

JK 5325

1889

.H28

Copy 1



CIVIL GOVERNMENT
OF THE
STATE OF KENTUCKY
AND THE
UNITED STATES.

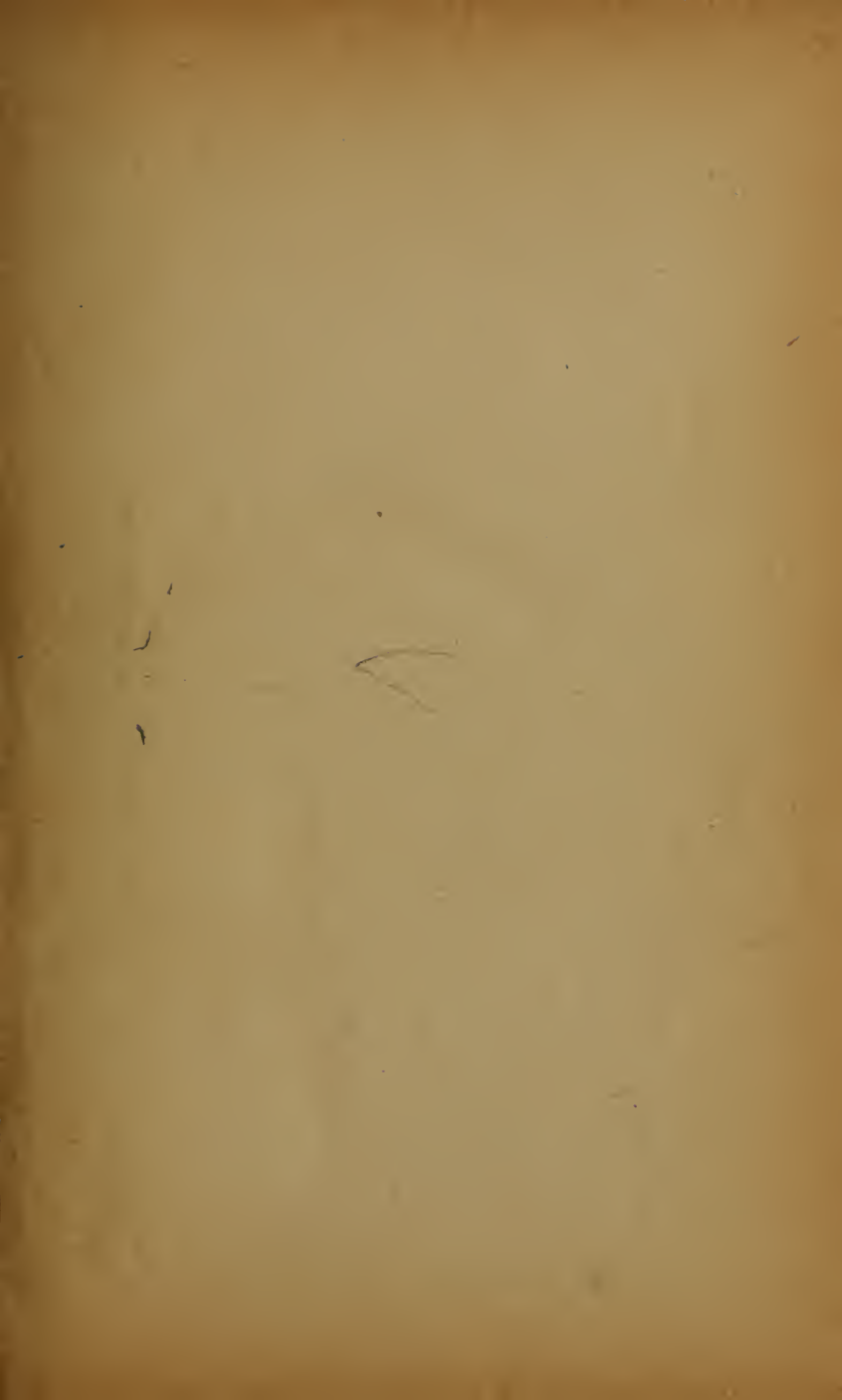
LIBRARY OF CONGRESS.

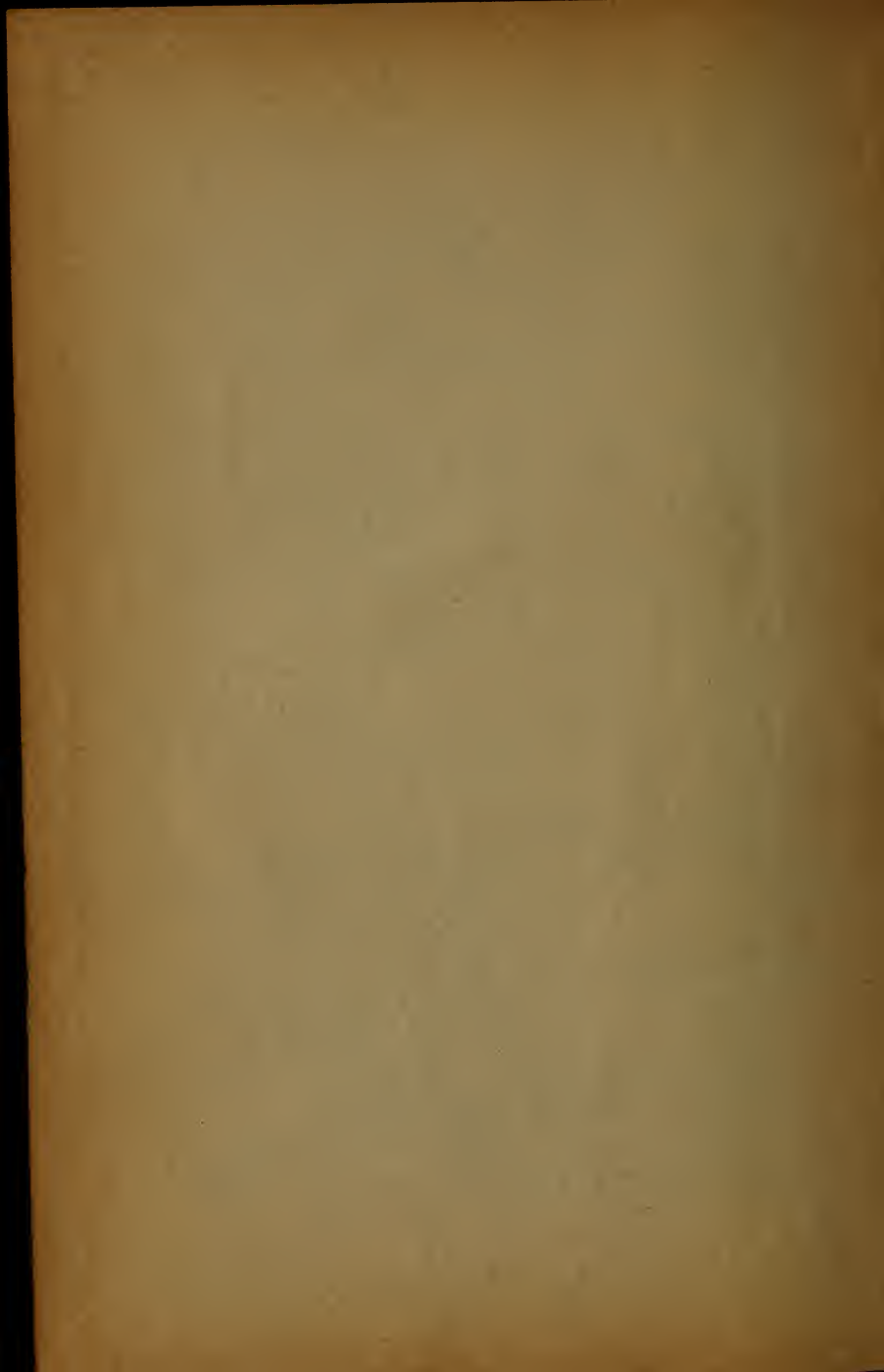
Chap. Copyright No.

Shelf JK 5325

1879 H25

UNITED STATES OF AMERICA.





CIVIL GOVERNMENT

OF THE

STATE OF KENTUCKY

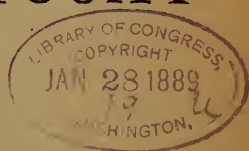
AND THE

UNITED STATES.

By
Will P. Hart

A TEXT-BOOK FOR SCHOOLS.

INDIANAPOLIS, INDIANA:
THE NORMAL PUBLISHING HOUSE, J. E. SHERRILL, PROPRIETOR.
1889.



JK 5325
1819
H-28

Entered according to Act of Congress in the year 1888,
By J. E. SHERRILL, *prop*
In the Office of the Librarian of Congress, at Washington, D. C.

5/ Daniëlle. J. J.

PREFACE.

It has been the aim of the author of this little book to present, in as brief and comprehensive a manner as possible, a statement of the principles of the government under which we live, and its workings in city, district, county, state and nation.

In preparing a work of this character, much which would be of interest must necessarily be omitted. It is hoped, however, that enough is given to enable the average school-boy or school-girl to have a clear idea of how our government is carried on in its various departments.

The treatment of the National Government has purposely been made brief, it being the opinion of the author that a knowledge of *local affairs* is more valuable than a discussion of the whys and wherefores of the Federal Constitution. This Constitution, however, has been followed closely, and the more important and less easily understood clauses commented upon.

A number of outlines are given to assist in fixing in mind the various divisions and the officers of each.

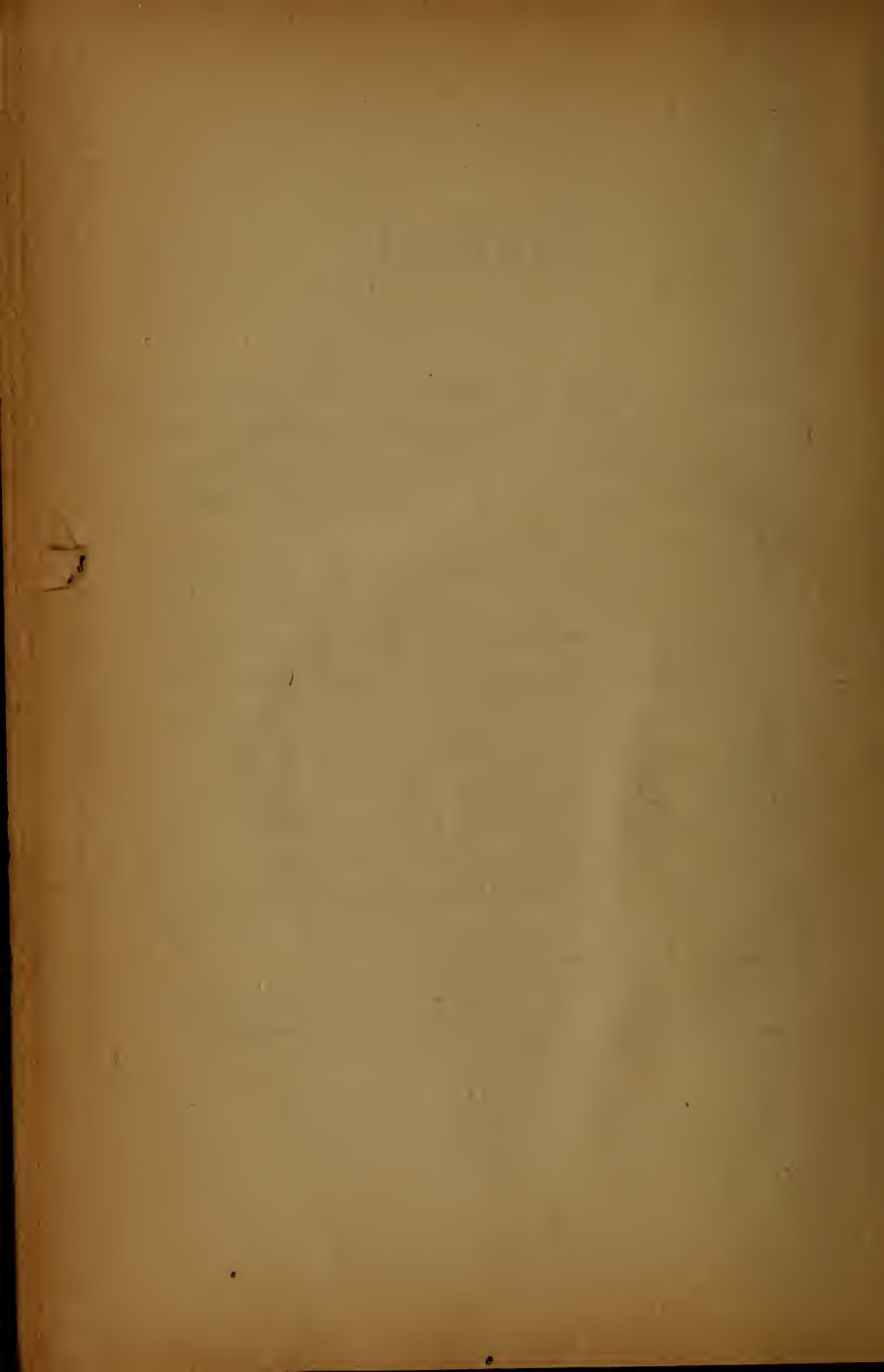


TABLE OF CONTENTS.

PART I. INTRODUCTORY.

CHAPTER I.

	PAGE.
Origin and Nature of Our Government.....	7

PART II CIVIL GOVERNMENT OF KENTUCKY.

CHAPTER II.

Bill of Rights.....	13
---------------------	----

CHAPTER III.

Elections.....	17
----------------	----

CHAPTER IV.

Civil Government of the State, Legislative Department,.....	25
---	----

CHAPTER V.

Civil Government of the State, Executive Department,.....	35
---	----

CHAPTER VI.

Civil Government of the State, Judicial Department,.....	56
--	----

CHAPTER VII.

Civil Government of the County, Legislative and Executive Departments.....	64
---	----

CHAPTER VIII.

Civil Government of the County, Judicial Department..... 74

CHAPTER IX.

Civil Government of the District..... 84

CHAPTER X.

Civil Government of Cities and Towns..... 88

PART III.

CIVIL GOVERNMENT OF THE UNITED STATES.

CHAPTER XI.

Legislative Department..... 96

CHAPTER XII.

Executive Department107

CHAPTER XIII.

Judicial Department.....120

CHAPTER XIV.

Miscellaneous Provisions of the Constitution.....124

CIVIL GOVERNMENT.

PART I.

INTRODUCTORY.

CHAPTER I.

ORIGIN AND NATURE OF OUR GOVERNMENT.

1. At the close of the Revolutionary War the United States of America consisted of thirteen States united by Articles of Confederation. Articles of Confederation. Under these Articles each State was sovereign and independent, and the Confederation was declared to be "a league of friendship between the States." The National power was vested in Congress, which had but little authority over the States. It could declare war, but could not compel a single soldier to fight; it could borrow money on the credit of the United States, but could not provide for the payment of a dollar; it could not punish those who violated its laws; it could not collect taxes; it had no control over the States, and in fact was worse than useless.

2. During the Revolution the States had been united by their common danger; they needed no National Gov-

ernment to hold them together; but when this danger was removed, it became evident that the Articles of Confederation were too weak to serve the purpose for which they were intended. The States became jealous of one another, and were continually enacting laws which would be beneficial to themselves and injurious to their neighbors. The National Government, so weak at home, commanded no respect from foreign nations, who took advantage of the rivalry of the States. It was seen by many of the statesmen of the country that unless some stronger form of government could be adopted, the Confederation would crumble into ruins, and form thirteen petty States instead of one great Nation.

3. In accordance with this feeling, it was resolved to make an attempt to revise the Articles of Confederation and make them stronger. Virginia took the lead, and appointed delegates to meet the delegates to be appointed from the other States, for the purpose of remedying the defects in the Articles. After several ineffectual attempts, the Convention finally organized at Philadelphia, on May 25, 1787, by electing George Washington, of Virginia, President.

4. Although the object of the Convention was to revise the Articles of Confederation, the delegates soon decided that it would be necessary to form an entirely different plan of union. For four months they continued their labors, and the result was the present Constitution of the United States.

5. According to the terms of the Constitution the ratification of nine States was declared sufficient for its adoption by the States ratifying it. Within one year after its submission to the people it was

adopted by eleven States. Early in the year 1789 electors were appointed for the election of a President of the United States. The electors unanimously chose George Washington the first President of the new union, and on April 30, 1789, he took the oath of office.

6. The Constitution of the United States is the supreme law of our country. No law passed by the National or State legislative bodies can be enforced if contrary to its provisions. But the Federal Government has only such powers as are delegated to it by the Constitution, and these powers mainly concern the United States as a whole and in relation to other nations. To the States themselves is given the power to regulate their local affairs. All powers of government which are not distinctly given to the Federal Government by the Constitution, thus belong to the States.

7. In addition to the Federal Constitution, each of the States is governed by a State Constitution. The State Constitution is in the nature of an agreement between the whole body of people and each individual; it is framed by a convention composed of delegates from all parts of the State, and must be adopted by a majority of the citizens before becoming the law. It is the fundamental law of the State. It lays down the principles upon which the government is to be conducted, and gives general directions to the Legislature regarding the laws to be made by that body. No law passed by the Legislature can be enforced if contrary to the State Constitution. It is thus a protection to the people against unwise or vicious legislation.

8. By both the Federal and State Constitutions the powers of government are divided among three depart-

Three Departments: the Legislative, which makes the laws; the Executive, which carries them into effect, and the Judicial, which interprets them and punishes those who disobey them. It has been found by experience that a wide separation of these departments is desirable, and that the powers and duties of each officer should be confined to the department of which he is a member. In certain cases, however, it has been thought best to give to one officer powers which belong to different departments. The power of the Governor or President to veto the acts of the legislative bodies is an example of this. In the county or township, where the legislative powers are limited, the Executive and Legislative departments are often combined.

NOTE.—A short sketch of the early history of the State will not be out of place here:

The earliest exploration of Kentucky was made by John Finley, and a few companions from North Carolina, in 1767. In 1769 Daniel Boone, Finley and four others visited the region, and in 1770 Colonel James Knox, with a party from S. W. Virginia, explored the country along the Cumberland and Green rivers. In 1773-4 a party locating bounty warrants extended their surveys to the north fork of the Licking, up the Kentucky as far as Dix river, and over a considerable territory near the falls. In 1774 James Harrod built a log cabin on the present site of Harrodsburg, and the next year he established a station there. The fort at Boonesborough was built by Daniel Boone in 1775. The country of Kan-tuck-kee, "the dark and bloody ground," was not occupied by the Aborigines except as a common hunting ground for the tribes north and south of it. The intrusion of white settlements met with determined and bloody opposition. In March, 1775, Boone concluded a treaty with the Cherokees at Wataga, by which Kentucky was sold to Col. Richard Henderson and his company. As it lay within the charter limits of Virginia, that State would not recognize Henderson's purchase, but finally compromised by giving him 200,000 acres at the mouth of Green river. In 1776 Kentucky was made a county of Vir-

ginia, and in 1777 the first Court was held at Harrodsburg. In 1779 the Virginia Legislature passed a law which caused a great influx of population. In 1783 Kentucky was formed into one District, and a District Court established. The conclusion of the War of Independence left the settlers in constant danger of Indian outrage, and the citizens found themselves obliged to undertake their own protection. The Government at Richmond was too far distant to be relied on in an emergency, and the people determined upon a separate Government; but in this they were seriously delayed. They petitioned Virginia for a separate organization, and their request was granted by an ordinance to that effect, passed by the Virginia Legislature in 1785. They then applied for admission into the Union, but it was not till after a long and tedious delay, during which they held a series of about ten conventions, that they were finally admitted into the Union in 1792. Kentucky took an active part in the War of 1812, furnishing more than her quota of soldiers. When the Civil War broke out Kentucky assumed a position of neutrality, but afterwards declared her allegiance to the Union. A second Constitution was adopted in 1800, which continued in force until the adoption of the present one in 1850.

REVIEW QUESTIONS.

1. What was the form of government of the United States at the close of the Revolution?
2. What were the chief defects of the Articles of Confederation?
3. What was the effect on the States of the weakness of the Articles of Confederation?
4. What was done to remedy the state of affairs?
5. Tell of the organization of the Constitutional Convention.
6. When and how was the Constitution adopted?
7. When did the Constitution go into effect?
8. What is the nature of the Federal Constitution?
9. What is said of the relations of the Federal Government to the States?

10. What other Constitution have we besides the Federal Constitution?
11. Tell what you can of State Constitutions.
12. Among what three departments are the powers of government divided?
13. What is the office of each of these departments?
14. What is desirable in these departments?
15. In what cases is this principle violated?

PART II.

CIVIL GOVERNMENT OF KENTUCKY.

CHAPTER II.

BILL OF RIGHTS.

9. The Bill of Rights is a declaration of the rights reserved to the people of the State as individuals. It Equality of men. begins by declaring that all freemen, when they form a social compact, are equal, and that no man, or set of men, are entitled to exclusive, separate public emoluments or privileges from the community but in consideration of public services.

10. Absolute, arbitrary power over the lives, liberty Absolute power. and property of freemen exists nowhere in a Republic, not even in the largest majority.

11. The right of property is before and higher than Right of property. any constitutional sanction.

12. All power is inherent in the people, and all free Source of power. governments are founded on their authority, and instituted for their peace, safety, happiness, security, and the protection of property.

13. All men have a natural and indefeasible right to worship Almighty God according to the dictates of their Religious liberty. own consciences; and no man's liberties of wor-

ship shall be abridged in the least; neither shall his civil rights, privileges or capacities be diminished or enlarged on account of his religion.

14. All elections shall be free and equal; and returns of all elections by the people shall be made to the Secretary of State, except in those cases otherwise provided for in the Constitution, or which shall be otherwise directed by law. In all elections by the people, and by the Senate and House of Representatives, the votes shall be given viva voce, personally and publicly. Dumb persons entitled to suffrage may vote by ballot.

15. The ancient mode of trial by jury shall be held sacred, and the right thereof remain inviolate, subject to such modifications as may be authorized by the Constitution.

16. The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely speak, write, and print on any subject, being responsible for the abuse of that liberty.

17. The people shall be secure in their persons, houses, papers and possessions from unreasonable seizures and searches, and that no warrant to search any place or to seize any person or thing shall issue without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation.

18. In all criminal prosecutions, the accused hath a right to be heard by himself and counsel; to demand the nature and cause of the accusation against him; to meet the witnesses face to face; to have compulsory process for obtaining witnesses in his favor; and in prosecutions by indictment or information, a speedy trial by an impartial jury of the vicinage; and he can not be

compelled to give evidence against himself; nor can he be deprived of his life, liberty or property, unless by the judgment of his peers, or the law of the land. No person once tried for an offense shall be again put in jeopardy for the same offense.

19. All courts shall be open, and every person, for an Courts open. injury done him in his lands, goods, person or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial or delay.

20. Excessive bail or fine. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

21. All prisoners shall be bailable by sufficient securities, unless for capital offenses, when the proof Prisoners bailable. is evident or presumption great.

22. The privilege of the writ of *habeas corpus* shall not Habeas corpus. be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

23. The person of a debtor, where there is not strong Imprisonment for debt. presumption of fraud, shall not be continued in prison after delivering up his estate for the benefit of his creditors in such manner as shall be prescribed by law.

24. No *ex post facto* law, nor any law impairing Ex post facto law. contracts, shall be made.

25. No person shall be attainted of treason or felony Attainder. by the General Assembly; and no attainder shall work corruption of blood, nor, except during the life of the offender, forfeiture of estate to the Commonwealth.

26. Citizens have a right, in a peaceable manner, to Assembling and petitioning. assemble together for their common good, and to apply to those invested with the powers of

government for redress of grievances, or other proper purposes, by petition, address or remonstrance.

27. The military shall, in all cases and at all times, be in strict subordination to the civil power; and the rights Military. of the citizens to bear arms in defense of themselves and the State shall not be questioned; but the General Assembly may pass laws to prevent persons from carrying concealed arms.

28. No standing army shall, in time of peace, be kept up, without the consent of the General Assembly; and Standing army. no soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in manner to be prescribed by law.

29. The General Assembly shall not grant any title of Title of nobility. nobility or hereditary distinction, nor create any office, the appointment to which shall be for a longer time than for a term of years.

30. Emigration from the State shall not be pro-
Emigration. hibited.

REVIEW QUESTIONS.

1. What is the Bill of Rights?
2. What is said of the equality of men?
3. What is said of the existence of absolute power?
4. What of the right of property?
5. What is the source of power?
6. What religious liberties have the people?
7. How are elections held?
8. What is said of trial by jury?
9. What freedom of press and speech is given the people?
10. What is said of seizure and search?

11. What right of trial has each citizen?
12. How many times can a person be tried for the same offense?
13. To whom are the courts open?
14. What provisions are made concerning bail and punishment?
15. What is a writ of *habeas corpus*?
16. What is said of imprisonment for debt?
17. What is an *ex post facto* law?
18. What is said of attainder, corruption of blood and forfeiture of estate?
19. What rights of assembling and petitioning have the people of the State?
20. What is said of the military power?
21. What provisions are made regarding the standing army?
22. What prohibitions are made regarding titles of nobility, hereditary distinction, creation of office, and emigration?

CHAPTER III.

ELECTIONS.

31. The election of electors of President and Vice-President shall be held on the Tuesday next after the Time of holding. first Monday in November, one thousand eight hundred and seventy-six, and on the same day in every fourth year thereafter. The election of Representatives in Congress shall be held on Tuesday next after the first Monday in November, one thousand eight hundred and seventy-four, and on the same day in every second year

thereafter. The election of all other officers, not otherwise provided for, shall be held on the first Monday in August; and thereafter, on the same day of each year, as the terms of office regularly expire.

32. Every free white male citizen of the age of twenty-one years, who has resided in the State two years, or in <sup>Qualifications
for voters.</sup> the county, town, or city in which he offers to vote, one year next preceding the election, shall be a voter; but such voter shall have been, for sixty days next preceding the election, a resident of the precinct in which he offers to vote, and he shall vote in said precinct, and not elsewhere. Foreigners who have resided in the State, county and precinct the length of time required by the Constitution, are entitled to vote immediately after being naturalized.

33. Every person shall be disqualified from holding any office of trust or profit for the term for which he shall <sup>Disqualifica-
tion for hold-
ing office.</sup> have been elected, who shall be convicted of having given or offered any *bribe or threat to procure his election. Any person who shall, either directly or indirectly, give, accept, or knowingly carry a challenge to any person or persons, to fight in single combat with a citizen of this State, with any deadly weapon, either in or out of the State, shall be deprived of the right to hold any office of honor or profit in the Commonwealth. Any officer or deputy holding an office or post of profit, trust, or honor under the Commonwealth, who shall be convicted of bribery, forgery, perjury, or any felony, by a court of record in or out of this State, his office or post shall be vacated by such conviction; and any offi-

*Money, or anything of value, bet or wagered on the result of the election is deemed a bribe.

cer perverting the functions of his office to private or personal gains, shall be declared ineligible.

34. The election precincts and places of voting in the several counties in the State shall be the same as the dis-
Precincts. tricts and places fixed by law for the election of Justices of the Peace, unless otherwise specially provided for by law. The County Courts have power to establish, alter, divide, increase, or decrease Justices' districts, and divide Justices' districts into two or more election precincts, and to establish or change the place of voting in each precinct.

35. Each County Court shall, annually, appoint two discreet voters in each election precinct as judges, and
Officers of elections. a clerk of the election, to act as such in their precinct, who shall hold their offices until their successors are appointed and qualified; and the judges, clerk and Sheriff shall be so selected and appointed as that one of the judges at each place of voting shall be of one political party, and the other judge of the other or opposing political party, and the like difference shall exist at each place of voting between the Sheriff and clerk of elections.

36. The Sheriff shall, at least five days before the next ensuing election, give each judge and clerk written notice
Notice to officers. of his appointment; and each of such clerks shall be furnished with a poll-book by the County Clerk. Each judge and clerk of election shall, before entering on the duties of his office, take the oath prescribed by the Constitution to faithfully perform his duties.

37. The polls are opened at seven o'clock in the fore-
Polls. noon, and remain open until six o'clock in the afternoon.

38. Elections for Representatives in Congress shall be by ballot; all other elections shall be *viva voce*. If a person offering to vote is not personally known to one of the judges or the Sheriff as a qualified voter, he shall be interrogated, under oath administered by one of the judges or the clerk, as to his qualification. If, from his statement so made, he appears to be qualified, he shall be admitted to vote, unless his right is disputed by one of the judges or the Sheriff, or by some other person present. If so disputed, the judges shall hear witnesses, not exceeding two in number on each side, as to his qualifications, and decide as may appear right from the proof and the statements of the party. The word "sworn" shall be written opposite the name of every one so voting, on the poll-book, where the names of all voters are entered as they vote.

39. The judges shall superintend the election, determine upon the legality of all the votes offered, see that they are properly recorded with the voter's name in the poll-book kept for that purpose, commencing at the head of each column with the figure 1, and so continuing the count, in numerals, down to the foot of the page; attend to the proper summing up of the votes, certify the poll-book over their signatures, and deliver the same, inclosed in an envelope, sealed by them, before they separate, to the Sheriff. They shall also make out duplicate statements, in writing, signed by them, of the number of votes received by each candidate, one copy of which shall be retained by each of the judges, and shall serve as evidence of the result of the election if the poll-book is not produced. When the judges disagree, the Sheriff shall act as umpire between them. Each clerk, in

Duties of
election
officers.

the presence of the judges, shall sign his name at the foot of every page of the poll-book, as the election progresses, so that the same may be thereby identified.

40. The Judge of the County Court, the Clerk thereof, and the Sheriff or other person acting for him at an election, shall constitute a Board for examining the poll-books of each county, and giving certificates of election. Any two of them may constitute a Board; but if either is a candidate, he shall have no voice in the decision of his own case. If, from any cause, two of the before named persons can not act, in whole or in part, in comparing the polls, their places shall be supplied by the two Justices of the Peace who may reside nearest to the court-house.

41. Within two days next after an election, the Sheriff shall deposit with the Clerk of the County Court the poll-books of the different precincts. On the next day, the Board shall meet in the Clerk's office, between ten and twelve o'clock in the morning, compare the polls, ascertain the correctness of the summing up of the votes, and give triplicate or more written certificates of election, over their signatures, of those who have received the highest number of votes for any office exclusively within the gift of the voters of the county—one copy of the certificate to be retained in the Clerk's office, another delivered to each of the persons elected, and the other forwarded by the County Clerk to the Secretary of State at the seat of government. For offices not within such gift, they shall give duplicate or more written certificates, over their signatures, of the number of votes given in the county to each person voted for, particularizing therein the precinct at which the votes were given—one copy to

be retained in the Clerk's office, and the other delivered to the Sheriff. After an election for Governor, Lieutenant-Governor, or other officer elective by the votes of the whole State, or for a Judge of the Court of Appeals, Clerk of that Court, Circuit Judge, Commonwealth's Attorney, Representative in Congress, or Electors of President or Vice-President, it shall be the duty of the board of examiners of poll-books for each county, immediately after the examination of the poll-books, to make out three or more certificates in writing, over their signatures, of the number of votes given in the county for each of the candidates for any of said offices. One of the certificates shall be retained in the Clerk's office, another the Clerk shall send by the next mail, under cover, to the Secretary of State at the seat of government, and the other he shall transmit to the Secretary by any private conveyance the Clerk may select, free of cost.

42. Where two or more counties vote together in the choice of a Representative or Senator, the Sheriffs of the counties shall, between ten and twelve o'clock in the morning of the first Monday after the election, meet in the Clerk's office of the County Court of the county first named in the Senatorial or Representative District, compare the certificates of the Examining Boards of the several counties, and, therefrom, give triplicate or more certificates of election, in writing, over their signatures, of the persons who appear to have received the highest number of votes—one copy of the certificate to be retained in the Clerk's office, another delivered to the person elected, and the other forwarded to the Secretary of State, at the seat of the Government.

Two or more
counties voting
together.

43. The Governor, Attorney-General, and Secretary of State, and, in the absence of either, the Auditor, or any two of them, shall be a Board for examining the Board to examine returns. returns of election for any of the following officers: Governor, Lieutenant-Governor, or other officer elective by the votes of the whole State, or for a Judge of the Court of Appeals, Clerk of that Court, Circuit Judge, Commonwealth's Attorney, Representative in Congress, and electors of President and Vice-President. It shall be the duty of said Board, when the returns are all in, or on the fourth Monday after the election, whether they are in or not, to make out in the Secretary's office, from the returns made, duplicate certificates, in writing, over their signatures, of the election of those having the highest number of votes—one certificate to be retained in the office, and the other sent by mail to the person elected. If all the returns are not made, the right to contest an election shall not be impaired. In the case of the election of a Representative in Congress, there shall be three certificates—one to be retained in the office, another sent by mail to the person elected, and the other sent by mail to the Clerk of the House of Representatives, at the seat of the Federal Government.

REVIEW QUESTIONS.

1. When and how often are elections held?
2. What are the qualifications for a legal voter in Kentucky?
3. Who are disqualified from holding office?
4. What constitutes a precinct, and what authority regulates its boundaries?

5. Who are the officers of election, who appoints them; and what are their qualifications?

6. What notice must the Sheriff give, and what oath are the officers of election required to take?

7. When are the polls opened and closed?

8. Describe the manner of voting.

9. What voters are sworn?

10. What are the duties of the officers of election?

11. Who constitutes the board to examine the poll-books, and what are their duties and what restrictions are placed upon them?

12. Who gathers the poll-books together, and what is done with them?

13. When does the board to examine poll-books meet, and what do they do with the poll-books?

14. What certificates are made out by the board to examine poll-books?

15. What are done with these certificates?

16. How is the result determined when two or more counties vote together in the choice of a Representative or Senator?

17. Who constitutes the board to examine the returns of election for State officers, Congressional candidates, Presidential electors, Circuit Judges and Commonwealth's Attorneys?

18. What is the duty of the board to examine returns?

19. What certificates does this board make out, and to whom are they sent?

CHAPTER IV.

CIVIL GOVERNMENT OF THE STATE.

OUTLINE.

{	Legislative, General Assembly	{ Senate. House of Representatives.
	Executive	Governor.
		Lieutenant-Governor.
		Secretary of State.
		Treasurer.
		Auditor of Public Accounts.
		Register of the Land Office.
		Attorney-General.
		Superintendent of Public Instruction.
		Board of Education.
		Board of Equalization.
		Board of Internal Improvements.
		Officers Appointed by the Governor.
{	Judicial	Court of Appeals.
		Superior Court.
		Clerk of Court of Appeals.
		Reporter of Court of Appeals.

LEGISLATIVE DEPARTMENT.

44. The legislative power shall be vested in a House How vested. of Representatives and Senate, which, together, shall be styled the General Assembly of the Commonwealth of Kentucky.

45. The number of Representatives shall be one hundred, and the number of Senators, thirty-eight, and Number and term. each Representative shall serve for the term of two years, and each Senator for the term of four years from the day of the general election.

46. No person shall be a Representative who, at the time of his election, is not a citizen of the United States, ^{Qualifications of Representatives.} has not attained the age of twenty-four years, and who has not resided in the State two years next preceding his election, and the last year thereof in the county, town or city for which he may be chosen.

47. Representation shall be equal and uniform in the Commonwealth, and shall be forever regulated and ascertained by the number of qualified voters therein.

^{Appointment.} In the year 1850, again in the year 1857, and every eighth year thereafter, an enumeration of all the qualified voters of the State shall be made; and to secure uniformity and equality of representation, the State is laid off into ten districts. *The number of Representatives shall, at the several sessions of the General Assembly next after the making of the enumerations, be apportioned among the ten several districts according to the number of qualified voters in each; and the Representatives shall be apportioned, as near as may be, among the counties, towns, and cities in each district.

*The counties composing each of the Representative districts as apportioned by the Constitution are as follows:

First District.—Fulton, Hickman, Ballard, McCracken, Graves, Calloway, Marshall, Livingston, Crittenden, Union, Hopkins, Caldwell, and Trigg.

Second District.—Christian, Muhlenburg, Henderson, Daviess, Hancock, Ohio, Breckenridge, Meade, Grayson, Butler, and Edmonson.

Third District.—Todd, Logan, Simpson, Warren, Allen, Monroe, Barren, and Hart.

Fourth District.—Cumberland, Adair, Green, Taylor, Clinton, Russell, Wayne, Pulaski, Casey, Boyle, and Lincoln.

Fifth District.—Hardin, Larue, Bullitt, Spencer, Nelson, Washington, Marion, Mercer, and Anderson.

Sixth District.—Garrard, Madison, Estill, Owsley, Rockcastle,

48 No person shall be a Senator who, at the time of his election, is not a citizen of the United States, has not Qualifications of Senators. attained the age of thirty years, and who has not resided in the State six years next preceding his election, and the last year thereof in the district for which he may be chosen.

49. At every apportionment of representation, the State shall be laid off into thirty-eight Senatorial districts, Senatorial apportionment. which shall be so formed as to contain, as near as may be, an equal number of qualified voters, and so that no county shall be divided in the formation of a Senatorial district, except such county shall be entitled, under the enumeration, to two or more Senators; and where two or more counties compose a district, they shall be adjoining.

50. The General Assembly shall convene at the seat of Government on the first Monday in November, 1851, and Sessions. on the same day of every second year thereafter, unless a different time be appointed by law. No session of the General Assembly shall continue beyond sixty days, except by a vote of two-thirds of all the members elected to each House.

51. The members of the General Assembly shall severally receive from the public treasury a compensation for

Laurel, Clay, Whitley, Knox, Harlan, Perry, Letcher, Pike, Floyd, and Johnson.

Seventh District.—Jefferson, Oldham, Trimble, Carroll, Henry, and Shelby and the city of Louisville.

Eighth District.—Bourbon, Fayette, Scott, Owen, Franklin, Woodford, and Jessamine.

Ninth District.—Clark, Bath, Montgomery, Fleming, Lewis, Greenup, Carter, Lawrence, Morgan, and Breathitt.

Tenth District.—Mason, Bracken, Nicholas, Harrison, Pendleton, Campbell, Grant, Kenton, Boone, and Gallatin.

<sup>Compensation
of members.</sup> their services of three dollars a day during their attendance on, and twelve and one-half cents per mile for the necessary travel in going to and returning from the sessions of their respective Houses. The salary and mileage may be increased or diminished by law ; but no alteration shall take effect during the session at which such alteration shall be made.

52. The members of the General Assembly shall in all cases, except treason, felony, breach or surety of the peace, be privileged from arrest, during their attendance <sup>Privileges of
members.</sup> at the sessions of their respective Houses, and in going to and returning from the same; and for any speech or debate, in either House, they shall not be questioned in any other place.

53. No person, while he continues to exercise the functions of a clergyman, priest, or teacher of any religious persuasion, society, or sect, nor while he <sup>Ineligibility
to
membership.</sup> holds or exercises any office of profit under this Commonwealth, or under the Government of the United States, shall be eligible to the General Assembly, except attorneys-at-law, Justices of the Peace, and militia officers. Attorneys for the Commonwealth, who receive a fixed annual salary, shall be ineligible.

54. No Senator or Representative shall, during the term for which he was elected, nor for one year thereafter, <sup>Ineligibility of
members to
other offices.</sup> be appointed or elected to any civil office of profit under this Commonwealth which shall have been created, or the emoluments of which shall have been increased during the said term, except to such offices or appointments as may be filled by the election of the people.

55. Not less than a majority of the members of each House of the General Assembly shall constitute a quorum Quorum. to do business; but a smaller number may adjourn from day to day, and shall be authorized by law to compel the attendance of absent members in such manner, and under such penalties as may be prescribed thereby.

56. Each House of the General Assembly shall judge Election of the qualifications, elections, and returns of its members; but a contested election shall be determined in such manner as shall be directed by law.

57. Each House of the General Assembly may determine the rules of its proceedings, punish a member for Rules and punishments. disorderly behavior, and, with the concurrence of two-thirds, expel a member, but not a second time for the same cause.

58. With the exception of the Speaker of the Senate, who is the Lieutenant-Governor, elected by the people, Officers. each House has the power to elect its own officers. The Senate can, however, elect a Speaker *pro tempore* to take the place of the Lieutenant Governor if he is called to the Governor's chair. The House of Representatives elects its own Speaker and other officers.

59. Each House of the General Assembly shall keep and publish, weekly, a journal of its proceedings; and the Journal. yeas and nays of the members, on any question, shall, at the desire of any two of them, be entered on their journal.

60. Neither House, during the session of the General Assembly, shall, without the consent of the other, adjourn Adjournment. for more than three days, nor to any other place than that in which they may be sitting.

61. No bill shall have the force of a law, until, on three several days, it be read over in each House of the ^{Bills.} General Assembly, and free discussion allowed thereon; unless, in cases of urgency, four-fifths of the House where the bill shall be depending may deem it expedient to dispense with this rule. All bills for raising revenue shall originate in the House of Representatives. The Senate may propose amendments, as in other bills, but they shall not introduce any new matter, under color of amendment, which does not relate to raising revenue. Every bill which shall have passed both Houses shall be presented to the Governor. If he approve, he shall sign it; but if not, he shall return it, with his objections, to the House in which it originated, who shall enter the objections at large upon their journal, and proceed to reconsider it. If, after such reconsideration, a majority of all the members elected to that House shall agree to pass the bill, it shall be sent, with the objections, to the other House, by which it shall likewise be considered, and if approved by a majority of all the members elected to that House, it shall be a law; but, in such cases, the votes of both Houses shall be determined by yeas and nays, and the manner of the members voting for and against the bill shall be entered upon the journals of each House respectively. If any bill shall not be returned by the Governor within ten days (Sundays excepted), after it shall have been presented to him, it shall be a law in like manner, as if he had signed it, unless the General Assembly, by their adjournment, prevent its return; in which case it shall be a law, unless sent back within three days after their next meeting. No law enacted by the

General Assembly shall relate to more than one subject, and that shall be expressed in the title.

62. The House of Representatives shall have the sole power of impeachment. All impeachments shall be tried <sup>Impeach-
ment.</sup> by the Senate. When sitting for that purpose, the Senators shall be upon oath or affirmation. No person shall be convicted without the concurrence of two-thirds of the members present. The Governor and all civil officers shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall not extend further than to removal from office and disqualification to hold any office of honor, trust, or profit under this Commonwealth; but the party convicted shall, nevertheless, be subject and liable to indictment, trial, and punishment by law.

63. The Legislature which shall be chosen next preceding the expiration of the time for which any Senator <sup>Election of
U. S. Senator.</sup> was elected to represent this Commonwealth in Congress, shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress in place of such Senator going out of office, in the following manner: Each House shall openly, by a *viva voce* vote of each member present, name one person for Senator in Congress from said State; and the name of the person so voted for, who shall have a majority of the whole number of votes cast in each House, shall be entered on the journal of each House by the Clerk or Secretary thereof; but if either House shall fail to give such majority to any person on said day, that fact shall be entered on the journal. At 12 o'clock, meridian, of the day following that on which proceedings are required to take place, as aforesaid, the members of the two Houses

shall convene in joint assembly and the journal of each House shall be read; and if the same person shall have received a majority of all the votes in each House, such person shall be declared duly elected Senator to represent said State in the Congress of the United States; but if the same person shall not have received a majority of the votes in each House, or if either House shall have failed to take proceedings as required by this act, the joint assembly shall then proceed to choose, by a *viva voce* vote of each member present, a person for the purpose aforesaid; and the person having a majority of all the votes of said joint assembly, a majority of all the members elected to each House being present and voting, shall be declared duly elected; and in case no person shall receive any such majority on the first day, the joint assembly shall meet at 12 o'clock, meridian, of each succeeding day during the session of the Legislature, and take at least one vote until a Senator shall be elected.

64. When experience shall point out the necessity of amending the Constitution, and when a majority of all the members elected to each House of the General Assembly shall, within the first twenty days of any regular session, concur in passing a law for taking the sense of the good people of this Commonwealth, as to the necessity and expediency of calling a convention, it shall be the duty of the several Sheriffs and other officers of elections, at the next general election which shall be held for Representatives to the General Assembly, after the passage of such law, to open a poll for, and make return to the Secretary of State, for the time being, of the names of all those entitled to vote for Representatives who have voted for calling a convention; and if, thereupon,

Amendments
to the
Constitution.

it shall appear that a majority of all the citizens of the State entitled to vote for Representatives have voted for calling a convention, the General Assembly shall, at their next session, pass a law calling a convention, to consist of as many members as there shall be in the House of Representatives and no more, to be chosen on the first Monday in August thereafter, in the same manner and proportion, and at the same places, and possessed of the same qualifications of a qualified elector, by citizens entitled to vote for Representatives, and to meet within three months after their election for the purpose of readopting, amending, or changing the Constitution; but if it shall appear by the vote of either year, as aforesaid, that a majority of all the citizens entitled to vote for Representatives did not vote for calling a convention, a convention shall not then be called. And for the purpose of ascertaining whether a majority of the citizens entitled to vote for Representatives did or did not vote for calling a convention, as above, the General Assembly passing the law authorizing such vote shall provide for ascertaining the number of citizens entitled to vote for Representatives within the State.

REVIEW QUESTIONS.

1. What are the three departments of Government?
2. Name the various officers in each department.
3. In what is the State legislative power vested?
4. How many Senators and Representatives are there?
5. What is the length of the term of a Senator? Of a Representative?
6. What are the qualifications of a Representative?

7. How are Representatives apportioned?
8. What are the qualifications of a Senator?
9. How are Senators apportioned?
10. When, where and for how long are the sessions of the General Assembly held?
11. What is the compensation of the members of the General Assembly?
12. What counties comprise the Senatorial District in which you live?
13. Who is Senator from this district at present?
14. How many Representatives has this county?
15. Name the present Representatives from this county or district.
16. What privileges have members of the General Assembly?
17. Who are ineligible to membership in the General Assembly?
18. To what offices are members of the General Assembly ineligible?
19. What constitutes a quorum in the General Assembly?
20. What can less than a quorum legally do?
21. What power has each House over contested seats?
22. What power has each House in regard to rules and punishments?
23. Name the officers of each House.
24. Which of these officers is elected by the people?
25. Who is the Speaker of the House of Representatives at present?
26. Who is the present Speaker of the Senate?
27. What is said of keeping a journal in each House?
28. What provision is made regarding adjournment?

29. What is a bill?
30. In what ways may a bill become a law?
31. When do bills become laws?
32. Where must bills for raising revenue originate?
33. What is necessary after a bill has passed both Houses before it becomes a law?
34. How may a bill become a law without the Governor's signature?
35. What is said in regard to the subject matter and title of a bill?
36. What is impeachment?
37. Who may be impeached by the General Assembly?
38. How many members does it take to convict?
39. What are the causes, and what the penalty of impeachment?
40. Explain how United States Senators are elected?
41. Who are the present United States Senators from Kentucky?
42. Explain how the Constitution may be amended.
43. In what Congressional District do you live?
44. What counties compose your district?
45. Who is the present Congressman from that district?

CHAPTER V.

EXECUTIVE DEPARTMENT.

Governor.

65. The supreme executive power of the Commonwealth shall be vested in a Chief Magistrate, who shall be styled the Governor of the Commonwealth of Kentucky.

66. The Governor shall be elected by the qualified voters of the State at the time when and places where they
Election. shall respectively vote for Representatives. The person having the highest number of votes shall be Governor; but if two or more shall be equal and highest in votes, the election shall be determined by lot, in such manner as the General Assembly may direct.

67. The Governor shall be elected for the term of four
Term. years, and he shall be ineligible for the succeeding four years after the expiration of the term for which he shall have been elected.

68. He shall be at least thirty-five years of age and a
Qualifications. citizen of the United States, and have been an inhabitant of the State at least six years next preceding his election.

69. He shall commence the execution of the duties of his office on the fifth Tuesday succeeding the day of the
Commencement and termination of service. general election on which he shall have been chosen, and shall continue in the execution thereof until his successor shall have taken the oaths or affirmations prescribed by the Constitution.

70. No member of Congress, or person holding any
Ineligibility. office under the United States, or minister of any religious denomination shall be eligible to the office of Governor.

71. The Governor shall, at stated times, receive for his services a compensation, which shall be neither increased
Compensation. nor diminished during the term for which he was elected. His salary at present is five thousand dollars per annum.

72. He shall have power to remit fines and forfeitures, grant reprieves and pardons, except in cases of impeach-

Powers. ment. In cases of treason he shall have power to grant reprieves until the end of the next session of the General Assembly, in which the power of pardoning shall be vested; but he shall have no power to remit the fees of the Clerk, Sheriff, or Commonwealth's attorney in penal or criminal cases.

73. He shall be commander-in-chief of the army and navy of the Commonwealth, and of the militia thereof, Military powers. except when they shall be called into the service of the United States; but he shall not command personally in the field, unless advised so to do by a resolution of the General Assembly.

74. He shall have power to fill vacancies that may Vacancies. occur by granting commissions which shall expire when such vacancies shall have been filled according to the provisions of the Constitution.

75. He shall, from time to time, give to the General Message. Assembly information of the state of the Commonwealth, and recommend to their consideration such measures as he may deem expedient.

76. He may, on extraordinary occasions, convene the General Assembly at the seat of government, or at a different place if that should have become, since May convene or adjourn General Assembly. their last adjournment, dangerous from an enemy or from contagious disorders; and in case of disagreement between the two Houses with respect to the time of adjournment, he may adjourn them to such time as he may think proper, not exceeding four months.

77. He shall take care that the laws be faithfully executed. He may, also, require information in writing, General duty. from the officers in the executive department,

upon any subject relating to the duties of their respective offices.

Lieutenant-Governor.

78. A Lieutenant-Governor shall be chosen at every <sup>Election,
etc.</sup> regular election for Governor, in the same manner, to continue in office for the same time. He must possess the same qualifications as the Governor.

79. He shall, by virtue of his office, be Speaker of the ^{Duties.} Senate; have a right, when in committee of the whole, to debate and vote on all subjects, and when the Senate is equally divided, to give the casting vote.

80. Should the Governor be impeached, removed from office, die, refuse to qualify, resign, or be absent from the <sup>When to act
as Governor.</sup> State, the Lieutenant-Governor shall exercise all the power and authority pertaining to the office of Governor, until another be duly elected and qualified, or the Governor absent or impeached shall return or be acquitted.

81. The Lieutenant-Governor, or Speaker *pro tempore* of the Senate, while he acts as Speaker of the Senate, shall ^{Compensation.} receive for his services the same compensation which shall, for the same period, be allowed to the Speaker of the House of Representatives, and no more; and during the time he administers the government as Governor, shall receive the same compensation which the Governor would have received had he been employed in the duties of his office.

Secretary of State.

82. The Governor shall nominate, and, by and with the advice and consent of the Senate, appoint a Secretary <sup>Appointment,
etc.</sup> of State, who shall be commissioned during the term for which the Governor was elected, if he shall so long behave himself well.

83. He shall keep a fair register and attest all the official acts of the Governor, and shall, when required, lay
Duties. the same, and all papers, minutes and vouchers relative thereto, before either House of the General Assembly, and shall perform such other duties as may be required of him by law.

84. The Secretary of State, with the assent of the Governor, may appoint an assistant Secretary, who, in
Assistant. case of the absence or indisposition of the principal, may do the business of his office in his name; and the Secretary shall be responsible for the acts of such Assistant.

85. The Secretary of State must reside at the seat of
Residence and Seal. Government; and he shall provide and keep the seal of the Commonwealth.

86. He shall, at the close of each session of the General Assembly, inspect the papers and documents which
Examination and preservation of papers. remain with the unfinished business, and carefully file in his office such as he considers worthy of preservation, with proper labels affixed thereto, designating the session to which the same belong.

87. He shall have the custody of the books, records, deeds, maps and papers belonging to his office, or that
Custody of books, etc. may be deposited therein, and shall arrange and preserve the same. Copies of records and papers in his office, certified by him, shall, in all cases, be evidence equally with the originals.

88. The salary of the Secretary of State is fifteen hundred dollars per year, to be paid monthly out of
Compensation the Treasury.

Treasurer of State.

89. The Treasurer of State is elected by the qualified
Election, etc. voters of the State for the term of two years from
the first Monday in January next succeeding his election.

90. He shall, on or before the first Monday in January
next succeeding his election, take the oaths of office, and
Oaths and
bond. execute bond, with surety worth at the time,
jointly or severally, three hundred thousand dollars, to be
approved by the Governor, and filed in the office of the
Secretary of State, stipulating for the faithful discharge
of the duties of his office.

91. No person shall be elected or appointed Treasurer
unless he be a citizen of the United States, at least twenty-
Qualifica-
tions. four years of age, nor unless he has resided
within the State of Kentucky two years next preceding
his election or appointment.

92. The Treasurer shall reside and keep his office at
the seat of government. He shall receive and safely keep
Duties. in the Treasury all money due or payable to the
Commonwealth from collectors of revenue, public officers,
and others, when tendered, accompanied by the permit of
the Auditor of Public Accounts, stating the amount to
be received, on what account, and from whom to be re-
ceived. He shall immediately make out a receipt for the
amount received, and for what, and of whom received,
and deliver it to the Auditor, who shall, in like manner,
give a receipt to the officer or person paying the same.
He shall pay out no money from the treasury, even though
the Auditor issues a warrant therefor, unless the law
under which the same may be claimed expressly directs
and orders that the money shall be paid out of the public

treasury. He shall not receive into or pay out any money from the Treasury, except upon the certificate or warrant of the Auditor.

93. The Salary of the Treasurer of State is. two
Compensation. thousand four hundred dollars per year.

Auditor of Public Accounts.

94. The Auditor of Public Accounts is elected by the
Election, etc. qualified voters of the State, at the general election, for the term of four years from the first Monday in January next succeeding his election.

95. He shall, on or before that day, take the oaths of office, and execute bond to the Commonwealth, with surety
Oaths and bond. worth at the time, jointly or separately, two hundred thousand dollars, to be approved by the Governor, and filed in the office of Secretary of State, conditioned for the faithful discharge of the duties of his office.

96. No person shall be elected or appointed Auditor of Public Accounts who is not at the time over the age
Qualifications. of twenty-four years, nor unless he shall have been a citizen of the United States, and also a resident of the Commonwealth of Kentucky, at least two years next preceding the period of his election or appointment.

97. The Auditor and his assistant shall reside and keep his office at the seat of Government. The Auditor shall
Duties. keep an account of all claims of debt or credit which may exist between the general Government and this State, and between this State and any other State. He shall keep an account between the Commonwealth and all her civil officers whose salary or wages are payable out of the Treasury; the compensation to members of

the General Assembly and the officers thereof, an account of which is to be kept in separate books by the Clerk of each House, certified and deposited with the Auditor. The Auditor shall keep a separate account of all taxes collected, so as to exhibit the amount collected under each law. He shall keep a correct list of all balances due by the Commonwealth to individuals, and by individuals to the Commonwealth, and report the same to the General Assembly at every regular session thereof; and he shall also report to the General Assembly, when required, all and any information connected with the business of his office. He shall grant written authority to the Treasurer to receive money from public officers, or other persons, due to the Commonwealth, stating the person, the amount to be paid in, and on what account paid, and charge the same to the Treasurer, in an appropriate book, under its proper head.

98. He shall keep the accounts of his office so that they will truly and clearly exhibit the amount of all Records. moneys paid into the Treasury, by whom, and for what account paid; and also, in like manner, exhibit the amount of public expenditures, and each item therefor. He shall keep an accurate account in books of all warrants and certificates by him drawn or issued, showing in due succession the date, number and amount of the warrant, for what, and to whom issued. The books and papers of his office shall at all times be subject to the inspection of the Governor.

99. The Auditor, on or before the sixth day of every regular session of the General Assembly, shall faithfully Reports. report the annual income and expenses of the Government for the two years preceding the tenth of

October of each year, in such a manner as to exhibit the sources of the income, and objects of expenditure, in detail and in the aggregate ; and also an estimate of the revenue and expenditures for each of the succeeding two years, commencing and ending the fiscal year on the tenth day of October. He shall report all deficiencies of revenue to meet the expenditure of government; and also a statement of all sums due the Commonwealth, when, for what, and from whom due. The Auditor shall, when required, furnish the Governor any information in his power concerning the condition of the Treasury, the state of the public finances, and such other information concerning the business of his office which the good of the public service may demand.

100. The Auditor shall receive an annual salary of Compensation. twenty-five hundred dollars, payable monthly at the Treasury, upon the requisition of the Governor.

Register of the Land Office.

101. The Register of the Land Office is elected by the Election, etc. qualified voters of the State, at the general election, for the term of four years.

102. The Register of the Land Office shall, before entering upon his duties, execute to the Commonwealth a Bond. covenant with two or more sureties, to be approved by the Governor, worth at least ten thousand dollars, which covenant shall be conditioned for the faithful discharge of all the duties of his office, and which shall be deposited in the office of the Auditor of Public Accounts.

103. The Land Office shall be under the care and control of the Register, who may, from time to time, appoint Duties. not more than two deputies to aid him therein.

He shall deliver to the owner any land warrant in his office only partially appropriated, with an indorsement showing how much remains to be appropriated. All fees, including that for issuing the patent, shall be paid on filing a survey to the Register, and he shall pay the same to the Treasurer. He shall not suffer any of the books or papers of his office to pass into the hands of any unauthorized person, nor shall he permit any one but his deputies to have access thereto.

104. The Register shall report to the Governor on or before the tenth day of October of each year, the number
Reports. of patents issued and copies supplied, and the amount of the fees received therefor and paid over to the Treasurer, and take his receipt therefor, and publish the same, with his report, to the Governor.

105. The Register of the Land Office shall receive a
Compensation. salary of two thousand dollars per year, to be paid monthly out of the treasury.

Superintendent of Public Instruction.

106. A Superintendent of Public Instruction shall be
Election, etc. elected by the qualified voters of the Commonwealth at the same time the Governor is elected, who shall hold his office for four years.

107. He shall take the oath and enter upon the duties
Oath, etc. of his office on the first Monday succeeding the inauguration of the Governor.

108. He shall keep his office at the seat of Government in such suitable buildings as may be provided, and shall
Duties. devote his entire time and attention to the duties of his office. He has general supervision of the common schools. He may, from time to time, visit each year any

and different portions of the State for the purpose of investigating and directing the operations of the common school system, and promoting, by addresses or otherwise, the cause of popular education. He shall keep an account of all the orders drawn or countersigned by him on the Auditor, of all the returns of settlements and of all changes in the office of County Superintendent, which shall be furnished to the Auditor whenever required. He shall prepare suitable blanks for reports, registers, certificates, notices and such other official documents as may be provided for by law, and shall cause the same, with such instructions and information as he may deem necessary to a proper understanding and use of them, to be transmitted to the officers and persons intrusted with the execution of the provisions of the school law. It shall be his duty to report any habitual neglect of duty, or any misappropriation of common school funds on the part of any of the county superintendents or trustees of common schools in the Commonwealth.

109. He shall, biennially, on or before the meeting of the General Assembly, make report of the condition, Reports. progress, and prospects of the common schools; the amount and condition of the school fund; how its revenue for the two preceding school years had been distributed; the amount produced and disbursed for common school purposes from local taxation or other sources, and how and for what the same was expended; an abstract of the county superintendents' reports; the practical workings of the common school system of the State, with suggestions as to any alterations it may require; all of which, together with such other facts, statistics, and information, as may be deemed of interest to be known,

he shall deliver to the Public Printer, and cause to be printed a copy for each school district in the State, three hundred and fifty copies for the use of the members of the Legislature and for exchange with the Superintendents of Public Instruction of other States, and five hundred copies for distribution by the Superintendent as he thinks best. The Superintendent, in his report, shall set forth the objects, methods of admission, etc., to the institutions for the blind, the deaf and dumb, and the feeble-minded; and, to aid him in his work, the superintendents of those institutions shall be required, annually, by the first day of September, to furnish the Superintendent of Public Instruction with such a condensed statement of their respective institutions as it would be profitable to publish.

110. He shall have published for annual distribution throughout the State, the general school laws of the State, School law. abstracts of the decisions of the Appellate Courts, and of the Attorney-General on points of school law, and construction thereof; and information and instructions in regard to application of the school law and the management of the common schools.

111. The Superintendent of Public Instruction shall, at the written request of any County Superintendent of Decisions. common schools, decide any question of difference or doubt having reference to the interests of common schools in his county. The decisions of the Superintendent of Public Instruction shall, in such cases, be final, unless further appeal is promptly prosecuted from his decision to the State Board of Education within thirty days.

112. The salary of the Superintendent of Public
Compensation. Instruction shall be two thousand five hundred
dollars per annum.

State Board of Education.

113. The Superintendent of Public Instruction, the
Secretary of State, the Attorney-General, and their suc-
Members. cessors in office, together with two professional
teachers to be elected by them, shall be a body politic
and corporate by the name and style of "The Board of
Education for the State of Kentucky."

114. The Superintendent of Public Instruction shall
President. be president of the board, and, with two other
members, may control its corporate action at any regular
or called meeting of the board.

115. The board shall meet on or before the 30th day
Time of meeting of June and 30th day of December of each year;
and at other times upon the call of the president.

116. The corporation may take, hold and dispose of
real or personal estate for the benefit of the common
Powers and duties. schools of the State. The State Board of Edu-
cation shall constitute a standing committee, who shall
prepare rules, by-laws and regulations for the government
of the common schools of the State, which shall be
adopted and enforced under the authority and direction
of the county school superintendents in all cases where
the trustees shall fail to enforce the same; shall, from
time to time, select and recommend a proper course of
study, and suitable lists of text-books for all the common
schools of the State, from which lists the county super-
intendents of the various counties shall adopt the books

to be used in their respective counties, which books shall not be changed oftener than once every five years.

State Board of Equalization.

117. The qualified voters of each Congressional district shall, at the election for Representatives in Congress elect
Election. one of their number to serve as a member of the Board of Equalization, who shall hold his office for two years.

118. Each member of said board, before entering upon
Oath. the duties of his office, shall take the oath or affirmation prescribed by the Constitution of the State.

119. Said board shall assemble at the State capital on the tenth day of February, annually, and examine the
Duties. assessments of property, assessed for taxation in the several counties of the State, as returned to the Auditor, and shall equalize the assessments as provided by law; but said board shall not reduce the aggregate assessed valuation in the State; neither shall it increase said aggregate valuation, except in such an amount as may be reasonably necessary to a just equalization.

120. It shall be the duty of the secretary of said board, under the direction of the Auditor of Public Accounts, to
Duties of Secretary in vacation. compile the assessments received from the County Clerks into tabular statements, convenient for the use of the board; which statements shall be submitted to the board on the first day of its session in each year, or as soon thereafter as the board is organized. The secretary shall perform such duties in vacation as shall be assigned to him by the board.

121. Each member of the board shall receive for his services the sum of five dollars per day during its sessions,

^{Compensation.} and ten cents per mile for each mile necessarily traveled in going to and returning from the seat of Government, to be computed by the Auditor of Public Accounts, and no other allowance or emolument, directly or indirectly, for any purpose whatever, except the sum of ten dollars per session to each member, which shall be in full for postage, stationery, newspapers, and all other incidentals and perquisites.

Commissioners of Sinking Fund.

122. The Governor, the Secretary of State, the Attorney General, the Auditor and Treasurer of the Commonwealth shall, *ex officio*, constitute the commissioners of the "Sinking Fund of Kentucky," and by that name and style shall be a body corporate and politic, and may contract and be contracted with, sue and be sued, and do and perform all things necessary to execute the duties required and the powers vested in them by law. The funds, property, estate, revenues and income belonging to or set apart by law to the use of the Sinking Fund, shall be vested in and under the control and management of the said commissioners, and it shall be their duty, by the means and income of said fund, to protect the credit of the State by a faithful and prompt application of the same to the payment of interest and principal of the public debt when due.

Officers Appointed by the Governor.

123. The Governor, by and with the advice and consent of the Senate, shall appoint some suitable person, at least thirty years of age, and possessing all the qualifications of an elector of the State, as State

State Inspector and Examiner.

Inspector and Examiner, who shall serve for the term of two years. He shall, before entering upon his duties, take an oath to faithfully and diligently perform the duties of said position, and execute bond with sufficient security in the sum of ten thousand dollars, for the faithful performance of his duties. It shall be the duty of said Inspector and Examiner, once in each year, to inspect and examine into the management, conduct, and condition of any and all asylums, prisons, feeble-minded, and eleemosynary institutions, and public works owned or operated by the State, or in which, or the conduct or management of which, the State has any financial interest, or in the management of which the State is vested by law with any power. It shall also be the duty of said Inspector and Examiner, once in each year, to fully and particularly examine into the management and condition of the Auditor's and Treasurer's office, and as to whether the laws regulating the official duties of said Auditor and Treasurer are being fully complied with by them respectively, and all money received by them for the State is fully accounted for. He shall also have authority to investigate and examine into the conduct of any other officer in the Commonwealth, who is authorized to receive or collect any money due or going to the Commonwealth, or who has the management or control of any property belonging to the State, or in which the State is interested, touching his official conduct thereupon. It shall also be the duty of said Inspector and Examiner, at any time the Governor may order him to do so, to forthwith make an investigation of any of the aforesaid offices or institutions or works, and report the result to the Governor. Said Inspector and Examiner shall receive three thousand

dollars per year and traveling expenses, payable monthly out of the treasury upon the warrant of the Auditor. An itemized account of the expenses, verified by oath, to be made before paid.

124. The State Board of Pharmacy shall consist of seven persons, appointed by the Governor on the first Monday in July of every third year. The said State Board of Pharmacy. board shall elect a president and secretary, both of whom shall sign all certificates and all other official documents. The board meets twice a year, on the second Thursday in January and second Thursday of July. The duties of said board shall be to examine all applicants for registration, to direct the registration by the registrar of all persons properly qualified or entitled thereto. The secretary of said board shall be registrar of pharmacists. The compensation of the members of the board is entirely in fees.

125. The Governor shall appoint, by and with the advice and consent of the Senate, a commission consisting Railroad Commissioners. of three persons, one of whom shall be a resident of each Superior Court district of the State, which shall be styled the "Railroad Commission." They hold office for two years, and must take an oath to faithfully perform and discharge their duties without fear, favor or partiality. They meet annually at the office of the Auditor in Frankfort on the first day of September in each year. It is the duty of said board to inspect and examine the books and property of any railroad company to ascertain the value of its property, or to ascertain its mode of doing business. It is also their duty to see that every railroad company shall, on or before the first day of September in each year, make and transmit to the

commissioners, at their office in Frankfort, under oath of proper officers of the corporation, a full and true statement of the affairs of said corporation, as the same existed on the first day of the preceding July. Each commissioner shall receive for his services the sum of not exceeding two thousand dollars per annum, payable quarterly.

126. The State Board of Health consists of six members, appointed by the Governor, and a secretary, elected State Board
of Health. by the members of the board. The secretary is the executive officer of the board. The board has general supervision over matters which concern the health and life of the citizens of the State. It makes inquiries into the causes of diseases and suggestions regarding their prevention and cure. They receive reports from the various health officers of the vital and sanitary statistics of the State. The secretary receives a salary fixed by the State Board of Health, payable quarterly. The other members of the board receive only their traveling and other necessary expenses while employed on the business of the board.

127. The Bureau of Agriculture, Horticulture and Statistics shall be under the control and management of one Commissioner
of Agriculture,
Horticulture
and Statistics. officer, who shall be known as the Commissioner of Agriculture, Horticulture and Statistics. He shall be appointed by the Governor, by and with the advice and consent of the Senate, and shall hold his office for the term of two years. He shall keep his office at the seat of Government, and take an oath and give bond for the faithful performance of his duties. The business and efforts of said Bureau shall be directed to the promotion of agriculture, horticulture, manufactures and other matters provided for by law. The Commissioner shall, annu-

ally, on the first of January, make out and compile a report, giving a general review of the agricultural, horticultural, mineral and industrial resources of the entire State, with brief notices of each county, and shall file the same with the Governor of the Commonwealth, who shall cause to be printed a sufficient number for general distribution. The salary of the Commissioner shall be two thousand dollars per year, to be paid monthly out of any money in the treasury not otherwise appropriated.

128. Commissioners of Deeds are persons appointed and commissioned in other States and Territories for the Commissioners of Deeds. purpose of taking acknowledgments, affidavits, etc., to be used in this State. They are practically the same as Notaries Public, except that they live outside the State.

129. The Governor shall nominate, and by and with the advice of the Senate appoint, as many Notaries Public. Notaries Public as to him may seem necessary, who shall hold their respective offices for the term of four years. The commission of the Governor, on making the appointment, must designate the limits within which the Notary is to act. Before a Notary acts, he must take an oath, in the County Court of his county, that he will honestly and diligently discharge his duties, and also execute a bond to that effect. Notaries Public have power to certify all acknowledgments of deeds or other legal papers, to administer oaths, and to certify affidavits. Their compensation is in fees.

REVIEW QUESTIONS.

1. How, when, and for how long is the Governor elected?

2. What qualifications are necessary in order to become Governor?

3. Who are ineligible to the office of Governor?

4. What is the Governor's salary?

5. What are his principal powers?

6. What is the military power of the Governor?

7. What are the powers of the Governor concerning vacancies?

8. What are the Governor's messages?

9. What power has he in regard to convening and adjourning the General Assembly?

10. What is his general duty?

11. Who is the present Governor of Kentucky?

12. Tell of the election, qualifications, duties and salary of the Lieutenant-Governor.

13. When does he act as Governor?

14. Who is now Lieutenant-Governor?

15. How is the Secretary of State chosen, and for how long?

16. What are his duties?

17. What is said of his Assistant?

18. What of his residence and seal?

19. What are his duties in regard to the preservation of documents and papers?

20. What is his salary?

21. Who is the Secretary of State?

22. Tell of the election and term of the Treasurer of State?

23. What are his qualifications?

24. What are his duties?

25. What is his salary?

26. Who is Treasurer of State now?

27. Tell of the election and term of the Auditor of Public Accounts.

28. What are his qualifications ?

29. What are his principal duties ?

30. What is said of the records of his office ?

31. What of his reports ?

32. What is his salary ?

33. Who is now Auditor of Public Accounts ?

34. Tell of the election and term of the Register of the Land Office.

35. What are his principal duties ?

36. What reports must he make ?

37. What is his salary ?

38. Who is the present Register of the Land Office ?

39. Tell of the election and term of the Superintendent of Public Instruction.

40. What are his duties ?

41. What reports does he make ?

42. What is his duty in regard to the distribution of the school law ?

43. What is said of his decisions ?

44. What is his salary ?

45. Who is now Superintendent of Public Instruction ?

46. What officers comprise the State Board of Education ?

47. Who is president of the board ?

48. What is the time of meeting ?

49. What are their powers and duties ?

50. Tell of the election and term of the members of the State Board of Equalization.

51. What are their duties ?

52. Who is secretary of the board, and what are his duties?

53. What is the salary of the members?

54. Who is the member of the Board of Equalization from your Congressional district at present?

55. What officers comprise the Commissioners of the Sinking Fund?

56. What are their duties?

57. What officers are appointed by the Governor?

58. What are the qualifications, duties, and salary of the State Inspector and Examiner?

59. How is the State Board of Pharmacy organized, and what are its duties?

60. What are the duties of the Railroad Commissioners?

61. How are the members of the State Board of Health chosen, and what are their duties?

62. What are the duties of the Commissioner of Agriculture, Horticulture, and Statistics?

63. Who are Commissioners of Deeds, and what are their duties?

64. How are Notaries Public appointed, and what powers have they?

CHAPTER VI.

JUDICIAL DEPARTMENT.

130. The judicial power of the Commonwealth, both as to matters of law and equity, shall be vested in one ^{How Vested.} Supreme Court (to be styled the Court of Appeals), the courts established by the Constitution, and such courts, inferior to the Supreme Court, as the General Assembly may, from time to time, erect and establish.

131. By the jurisdiction of a court, we mean the class of cases which it has the power to decide. A court ^{Jurisdiction.} has original jurisdiction when the case may be begun in it; it has appellate jurisdiction when the case is brought up to it from a lower court; it has exclusive jurisdiction when it is the only court which has power to decide the case.

132. Before a license shall be granted to any person to practice as an attorney-at-law, he shall obtain a certificate, ^{Attorneys.} from the County Court of the county in which he resides, that he is a person of honesty, probity and good demeanor, which may be granted from the personal knowledge of the County Judge. The applicant then files this certificate, together with his application for license, with the Clerk of the Court. The Court appoints two members of the bar to examine the applicant in his knowledge of the law, and if they, after due examination, deem him qualified, they will so certify over their signatures. This certificate, when indorsed by the Judge of the Court, becomes the attorney's license to practice in all the courts of the Commonwealth. He must also take an oath to faithfully perform his duties. No person convicted of treason or felony shall be permitted to practice in any court as council or attorney-at-law.

Court of Appeals.

133. The Court of Appeals shall consist of four judges, any three of whom may constitute a court for the transac- ^{Judges.} tion of business. For their election the State is divided into four districts, and one judge is elected from each district by the qualified voters therein. Their term is eight

years, and the salary of each is four thousand dollars per year. One judge retires at the end of every two years, and the retiring judge is Chief Justice for the last two years of his term of office.

134. There shall be no terms of the Court of Appeals, but the Court shall be held every juridical day in each
Terms. year, except in the months of July and August, if the same shall be necessary for the disposal of all the business upon the docket. The Court shall, by its own order, declare what shall be regarded as a term, or the commencement or end of a term, in order to conform to any law or rule of court requiring anything to be done before the commencement or after the end of a term, or within a certain number of terms, and said order shall be so framed as that there shall be two terms in each year.

135. The Court of Appeals shall have appellate jurisdiction only, which shall be co-extensive with the State,
Jurisdiction. under such restrictions and regulations, not repugnant to the Constitution, as may, from time to time, be prescribed by law.

Clerk of the Court of Appeals.

136. The Clerk of the Court of Appeals is elected by
Election, etc. the qualified voters of the State for a term of eight years.

137. He must keep his office open during business hours; preserve all records and books of the court; admin-
Duties. ister oaths; attend all sessions of the Court in person or by deputy; sign, seal and issue all processes of the Court, and keep a complete record of all cases disposed of.

Sergeant of the Court of Appeals.

138. The Sergeant is appointed by the judges of the Appoint-
ment, etc. Court of Appeals for a term of four years. He gives bond for ten thousand dollars. His pay is three dollars per day and fees.

139. He shall perform towards the Court of Appeals all the duties required by law from a Sheriff towards a Duties. Circuit Court, and for any breach or neglect of duty he shall be subject to the same fines and penalties as are prescribed by law against sheriffs for a like breach or neglect of duty.

Reporter of the Court of Appeals.

140. The Court of Appeals shall, biennially, appoint Appoint-
ment. a Reporter of its decisions. The appointment must be entered upon its records.

141. The Court will direct what decisions delivered by it are to be published, and the Reporter shall have the Duties. decisions of the Court printed in letters and on paper of proper size and of superior quality. The Reporter shall be allowed by the Commonwealth after the rate of one dollar and fifty cents for every one hundred pages of the decisions, tables, and indices so printed, if well bound in calf-skin, with full indices and marginal notes; but the above price is to be paid for three hundred copies only; and if a greater number is furnished, he shall be allowed, for the residue, the customary price at which the book is sold.

Attorney-General.

142. The Attorney-General is elected by the qualified Election. voters of the State at the general election for the term of four years.

143. It shall be the duty of the Attorney-General, upon the application of any executive or ministerial
Duties. officer of this Commonwealth, to give such officer his opinion, in writing, touching any of the duties of his office; and, when requested by any of the executive or State officers, to prepare proper drafts of contracts, obligations, or other instruments of writing which may be required for public use. The Attorney-General shall attend, in behalf of the Commonwealth, to all cases in which she may be interested, whether in the Franklin Circuit Court, the Court of Appeals, or the Courts of the United States for the District of Kentucky; and shall institute the proper procedure to coerce payment of all demands of the Commonwealth payable at the Treasury not discharged in proper time.

144. The salary of the Attorney-General is five hundred
Compensation. dollars per year, and an additional compensation in fees.

Superior Court.

145. The Superior Court shall consist of three Judges, who shall have the same qualifications as are now required
Judges. by law for Judges of the Court of Appeals. Any two of them may constitute a court for the transaction of business. The State is divided into three districts, and one Judge is elected from each district by the qualified voters thereof. Their term of office is four years, and the salary of each is three thousand six hundred dollars per year.

146. There shall be no terms of the Superior Court, but the Court shall be held every juridical day in each
Terms. year, except in the months of July and August, if the same shall be necessary for the disposal of all the

business on the docket. The Superior Court shall, by its order, declare what shall be regarded as a term or the commencement or end of a term, in order to conform to any law or rule of Court requiring anything to be done before the commencement or after the end of a term, or within a certain number of terms, and said orders shall be so framed that there shall be two terms in each year.

147. The Superior Court shall have original jurisdiction of escheats, and it shall have appellate jurisdiction ^{Juris-}_{diction.} over the final orders and judgments of all other courts of the Commonwealth that the Court of Appeals now has, except where there is involved (1) the validity of a statute; (2) the title to a freehold or right to a franchise; (3) nor in cases of felony; (4) the probate of a will; (5) judgments for money or personal property, if the value in controversy be greater than \$3,000, exclusive of interest and costs.

148. The Clerk of the Court of Appeals shall be *ex officio* Clerk of the Superior Court. It shall be the duty ^{Other}_{Officers.} of the Attorney-General to represent the Commonwealth of Kentucky in all cases pending in the Superior Court to which it is a party.

149. The Court of Appeals shall have appellate jurisdiction over the final orders and judgments of the Superior Court in all cases except the following: 1. Those for fines or for the recovery of money or personal property where the amount of the fine or the value in controversy is less than one thousand dollars, exclusive of interest and costs. 2. Those where the judgments of the lower court have been affirmed by the Superior Court without a dissenting vote.

REVIEW QUESTIONS.

1. In what is the judicial power of the Commonwealth vested?
2. What is meant by the jurisdiction of a court? Original jurisdiction? Appellate jurisdiction? Exclusive jurisdiction?
3. What is said of attorneys?
4. Of how many judges does the Court of Appeals consist?
5. How many constitute a quorum to transact business?
6. How are they elected?
7. What is the length of their term of office?
8. What is the salary of each Judge?
9. Which Judge is Chief Justice?
10. How often and when does the Court of Appeals meet?
11. In which district do you live?
12. Who is the present Supreme Judge from your district?
13. Who are the judges from the other districts?
14. What is said of the jurisdiction of the Court of Appeals?
15. How is the Clerk of the Court of Appeals elected?
16. What is the length of his term?
17. What are his duties?
18. Who is now Clerk of the Court of Appeals?
19. How is the Sergeant of the Court of Appeals elected?
20. What are his duties?
21. Who is the present Sergeant?

22. How is the Reporter of the Court of Appeals elected?

23. What are his duties?

24. Who is now the Reporter of the Court of Appeals?

25. How and for how long is the Attorney-General elected?

26. What are his duties?

27. What is his salary?

28. Who is the present Attorney-General?

29. Of how many judges does the Superior Court consist?

30. How are they elected?

31. How long do they serve?

32. What is their salary?

33. In which district do you live?

34. Name the Superior Judge of your district.

35. Name the Superior Judges of the other districts.

36. How often and when does the Superior Court meet?

37. What is said of its jurisdiction?

38. What is said of other officers of the Superior Court?

39. What appeals may be taken from the decisions of the Superior Court, and to what court are they taken?

CHAPTER VII.

CIVIL GOVERNMENT OF THE COUNTY.

OUTLINE.

Civil Government of the County.	Legislative	{ County Court. Court of Claims.
	Executive	{ Sheriff. Coroner. Assessor. Jailer. Surveyor. County Superintendent. Circuit Court Clerk. County Court Clerk.
	Judicial	{ Circuit Court. Court of Common Pleas. Criminal Court. Chancery Court. County Court. Quarterly Court. Court of Claims. Circuit Court Clerk. County Court Clerk. Commonwealth's Attorney. County Attorney. Sheriff.

150. The State of Kentucky is divided into one hundred and eighteen counties. These have the same officers
Counties. and are governed in the main by the same laws. The county seat of a county is a town located generally as near the center of the county as is convenient. The courts of the county meet here; the court house, jail and offices of the various county officers are located here.

LEGISLATIVE DEPARTMENT.

County Court and Court of Claims.

151. To a certain extent the County Court and Court of Claims are legislative bodies. They make certain levies ^{Legislative Powers.} of taxes and have charge of certain county affairs. Their duties, however, are principally of a judicial character, and will be discussed under that head.

EXECUTIVE DEPARTMENT.

Sheriff.

152. The Sheriff is elected by the qualified voters of the county for the term of two years, and he is not eligible ^{Election, etc.} for more than two terms in succession. He takes an oath and gives bond for the faithful performance of his duty.

153. Every Sheriff may, by and with the approval of the Court, appoint his own deputies, and may revoke the ^{Powers and duties.} appointment at his own pleasure. The Sheriff is responsible for the acts of his deputies. The Sheriff, by himself or deputies, shall execute and make due return of all notices and all processes which come to and may be lawfully executed by him, against any person or property in his county. It shall be his duty and the duty of his deputies to receive and collect fines and forfeitures, and all officers' fees listed with him. It shall be the duty of each Sheriff, by himself or his deputies, to execute all persons condemned to be hung, and to convey all persons to the penitentiary condemned to confinement therein, and to execute the sentence of the court in other criminal

and penal cases. He shall, by himself or deputies, attend and keep order in the Circuit, County and Quarterly Court, and the Court of Claims of his county. He shall obey the orders of said courts.

154. Compensation. The pay of the Sheriff is in fees, varying according to the amount of business transacted.

Coroner.

155. The Coroner is elected for the term of four years, Election, etc. or to serve as long as the County Judge serves. He shall take an oath and give bond for the faithful performance of his duties.

156. It shall be the duty of the Coroner, upon request, to hold an inquest upon the body of any person slain, Duties. drowned, or otherwise suddenly killed, or where any house be broken. His jury shall be composed of six good and lawful housekeepers of the county, summoned and sworn by himself, who upon their oaths, shall inquire and say, in writing, if they know in what manner the person came to his death, or the house broken; when, where, how, and by whom, and who were present, and who are culpable of the act.

157. He may act as Sheriff in certain contingencies, Acting as Sheriff. when the Sheriff is incapacitated, or interested in the cause, or where the Sheriff is a candidate, he performs all the duties of the Sheriff pertaining to that election.

158. Compensation. The pay of the Coroner is in fees.

Assessor.

159. The Assessor is elected at the same time, and for the same term, that the presiding Judge of the County

Election, etc. Court is elected. He has power to appoint as many assistants as may be necessary and proper. He takes an oath and gives bond for the faithful discharge of his duties.

160. He shall commence the duties of his office on the fifteenth day of September in each year, and he shall
Duties. assess his county, city, or town, by Justices' districts, in a separate book, and he shall so proceed with each and every other district of his county, city, or town, subject to taxation. He shall complete his list and return his tax books to the County Clerk by the fifteenth day of December in each year, together with the statement of conveyances, etc., furnished him by the Clerk.

161. He receives for his services four cents on the one hundred dollars on the first million of assessment, and
Compensation. one and one-quarter cents on the one hundred dollars on the excess over one million dollars. If the total assessment in the county does not exceed one million dollars, he receives four and a half cents on the one hundred dollars' worth of assessed property.

Jailer.

162. The Jailer is elected at the same time and for the
Election, etc. same term that the presiding judge of the County Court is elected. He must take an oath and give bond for the faithful performance of his duty.

163. The County Jailer shall also be jailer and an officer of the Circuit and County Courts for his county, and
Duties. as such shall discharge and perform all the duties and acts prescribed by law. The Jailer of each county shall receive and keep all persons in the jail who shall be charged. He shall treat them with humanity and furnish

lawfully committed thereto until they are lawfully dis-
them with proper food and lodging during their confine-
ment. Each Jailer shall have the custody, rule and
charge of the jail in his county, and of all persons in the
jail, and shall keep the same himself. He shall not reside
more than four hundred yards from the jail, and where it
is such as admits the residence of a family therein, he
shall reside in the jail.

164. The compensation of the Jailer is in fees, payable
Compen-
sation. out of the Treasury and the county levy.

Surveyor.

165. The Surveyor is elected at the same time, in the
Election, etc. same manner, and for the same term, that the
Judge of the County Court is elected. He must take an
oath and give bond for the faithful performance of his
duty.

166. On the recommendation of the Surveyor of a
county, one or more deputies may be appointed by the
Powers
and duties. County Court thereof. The Surveyor is answer-
able for the conduct of his deputies. Every Surveyor
shall promptly and faithfully execute every order of
survey made by any Court of lands lying in his county,
and make out and return a true plat and certificate
thereof, accompanied by explanatory notes. He shall
append to the field notes of every survey made by him
the date of such survey, and the variations of the needle
from the true meridian, at the time of making such sur-
vey. He can administer any oath required by law to be
administered to commissioners appointed to divide land,
to lay off dower or homestead, to open, alter or close a

public road, or to open or close a private passway; and he may act as any such commissioner when so appointed upon his oath of office.

167. Compensation. The compensation of the Surveyor is in fees.

County Superintendent.

168. The County Superintendent shall be elected by the qualified voters of each county, at the regular August Election, etc. election, and he shall serve for the term of four years. He must take an oath and give bond for the faithful performance of his duty.

169. He must be possessed of moral character and ability to manage the common school interests of the Qualifications. county efficiently. He shall possess a good English education, and shall be competent to examine the teachers who shall apply to teach the common schools in the county and to certify the same correctly. He must be twenty-one years old, a citizen of the United States, and have resided two years next preceding the election in the State, and one year in the county for which he is a candidate. He must also first obtain a certificate of qualification from the State Board of Examiners.

170. No County Judge, Justice of the Peace, Circuit Clerk, County Clerk, County Attorney, Sheriff, Coroner, Who not eligible. Assessor, or teacher, while engaged in teaching, shall hold the office of County Superintendent of common schools.

171. The County Superintendent has general supervision over the common schools of the county. He must Powers and duties. visit each school of the county at least once a

year. He forwards to the Superintendent of Public Instruction a report of the enumeration of school children of his county, and also reports such other school statistics to the Superintendent of Public Instruction as the law requires. He receives and takes charge of all money distributed or appropriated for school purposes in his county, and pays out the same for teachers' salaries, and all other school expenses. He must keep a detailed account of all moneys so received and paid out by him. He shall see that all special taxes, fines, forfeitures, etc., for school purposes, are collected and paid into the State school fund. He may administer the oath required of a trustee or a teacher of common schools, or of other persons required to make oath in matters relating thereto. He shall conduct or superintend in person the examination of all persons offering themselves for positions as teachers of the common schools of his county (except in cities and towns organized as one district by special acts of the General Assembly), in regard to their moral character, learning and ability to teach said schools; and he shall give a certificate of qualification to no teacher whom he has not personally and sufficiently examined, or who has not been sufficiently examined in his presence. He shall decide all questions of difference or doubt having reference to the interests of common schools in his county; but appeals from his acts and decisions may be had on petition of any interested person to the Board of Education.

172. For all the services rendered by the County Superintendent, he shall be allowed a reasonable compensation, to be fixed by the Court of Claims of his county annually, and paid out of the fund raised by taxation for this purpose; but in counties where no

such tax is levied, then to be paid out of the county levy as the salaries to the County Judge and County Attorney are now paid.

173. The County Superintendent shall appoint two competent and well-educated persons, who, together with County Board of Examiners. himself, shall constitute a Board of Examiners for the county, who shall examine all the teachers applying to teach the common schools of the county. The said Board of Examiners shall hold their sessions on the third and fourth Saturdays in July and August, and in December and January of each school year, at the county seat, and at such other times and places as they may appoint, giving public notice thereof, for the examination of teachers for the common schools. The board may charge each applicant a fee of one dollar for each examination made, the proceeds of which shall be divided between the two members of the board appointed by and acting with the County Superintendent, in proportion to the services rendered by them.

Circuit Court Clerk.

174. The Circuit Court Clerk is elected at the same time, and for the same term, as the Circuit Judge, by the Election, etc. qualified voters of the county. He takes an oath and gives bond for the faithful performance of his duties.

175. He shall keep a docket of all causes pending in the Circuit Court, placing the criminal and penal Powers and duties. prosecutions first on the docket, in the succession in which they are filed in his office, and then the civil causes in the succession in which they are brought. The proceedings of each day shall be drawn up by the Clerk

from his minutes in a plain, legible manner, which, after being corrected as ordered by the Court, and read in an audible voice, shall be signed by the presiding Judge. He shall keep his office within two hundred yards of the court house. He administers oaths in or out of Court touching any matter in which an oath may be legally administered. He shall keep his office open, free, and accessible, at all reasonable times, except the Sabbath day, to every person having a right or claim to business therein. He has charge of all the records of the Circuit Court, and he performs many other minor duties too numerous to mention in a book of this character.

176. Compensation. His compensation is in fees.

County Court Clerk.

177. The County Court Clerk is elected at the same time, and for the same term, and in the same manner, as Election, etc. the presiding Judge of the County Court. He takes an oath and gives bond for the faithful performance of his duty.

178. The County Court Clerk bears about the same relation to the County Court as the Circuit Court Clerk Powers and duties. does to the Circuit Court. In addition he performs many other duties, among which is the issuing of marriage licenses and other licenses, except for retailing liquors, and the recording of deeds, etc.

179. Compensation. His compensation is in fees.

REVIEW QUESTIONS.

1. How many counties are there in Kentucky?
2. What is meant by the county-seat?

3. Bound the county in which you live.
4. What is the county-seat of your county?
5. In what respects are the County Court and Court of Claims legislative bodies?
6. Tell of the Sheriff's election and term.
7. What are his principal powers and duties?
8. What is said of his compensation?
9. Who is the Sheriff of your county?
10. Tell of the election and term of the Coroner?
11. What are his duties?
12. When does the Coroner act as Sheriff?
13. How is the Coroner paid for his services?
14. Who is the Coroner of your county at present?
15. Tell of the election and term of the Assessor.
16. What are his duties?
17. What compensation does he receive?
18. Who is the Assessor of your county?
19. Tell of the election and term of the Jailer.
20. What are his duties?
21. How is he paid for his services?
22. Who is the Jailer of your county?
23. Tell of the election and term of the Surveyor.
24. What are his powers and duties?
25. What is his compensation?
26. Who is the Surveyor of your county?
27. Tell of the election and term of the County Superintendent.
28. What are his qualifications?
29. Who are not eligible to the office of County Superintendent?
30. What are his powers and duties?
31. How is the County Superintendent paid?

32. Who compose the County Board of Examiners, and what are their duties?
33. Who is the County Superintendent of your county?
34. Tell of the election and term of the Circuit Court Clerk.
35. What are his principal powers and duties?
36. How is he paid for his services?
37. Who is the Circuit Court Clerk of your county?
38. Tell of the election and term of the County Court Clerk.
39. What are his powers and duties?
40. How is he paid?
41. Who is the County Court Clerk of your county?

CHAPTER VIII.

JUDICIAL DEPARTMENT.

Circuit Court.

180. The State is divided into twelve judicial circuits, and in each of these a Circuit Judge is elected for a term ^{Judges.} of six years. The Judge presides over the Circuit Courts of the several counties of his district. The salary of a Judge of the Circuit Court is two thousand four hundred dollars.

181. No person shall be eligible as Judge of the Circuit Court who is not a citizen of the United States, a resident of the district for which he may be a candidate ^{Who eligible as} two years next preceding his election, at least thirty years of age, and who has not been a practicing lawyer eight years, or whose service upon the bench

of any court of record, when added to the time he may have practiced law, shall not be equal to eight years.

182. The number and length of the terms of the Circuit Court are fixed by the General Assembly, and vary

Terms. according to the amount of business transacted. If the business require it, and the same can be done without interfering with another term in the district, the Judge may extend the term of any court.

183. The Circuit Court has original jurisdiction of all matters, both in law and equity, of which jurisdiction is

Jurisdiction. not, by law, exclusively delegated to some other tribunal; and has all power necessary to carry into effect the jurisdiction given.

184. The Circuit Court is a court of record. A full

Record. record of each day's proceedings of the court must be kept by the Circuit Court Clerk, and must be publicly read, and then signed by the Judge.

County Court.

185. The County Judge is elected by the qualified voters of the county for a term of four years. The

Judge. court, at the Court of Claims, makes an allowance to the presiding Judge, out of the county levy, for his services in holding the County Courts.

186. No person shall be eligible to the office of presiding Judge of the County Court, unless he be a citizen

Who eligible of the United States, over twenty-one years of

as County Judge. age, and shall have been a resident of the county in which he shall be chosen one year next preceding the election.

187 The County Court meets monthly at times and

Terms. places fixed by the General Assembly, but the County Judge has power, at any time in vacation, to call a special term.

188. County Courts have jurisdiction to lay and superintend the collection of the county levy, erect and keep *Jurisdiction.* in repair necessary public buildings, bridges and other structures, and superintend the same; regulate and control the fiscal affairs and property of the county; make provision for the maintenance of the poor, and provide for good condition of the public highways in the county; and to execute all of their orders consistent with law and within their jurisdiction.

189. The County Court is a court of record. Before every adjournment the minutes of the proceedings of the *Record.* court shall be publicly read by the Clerk, and corrected, if necessary, and then the same shall be signed by the Judge. The minutes shall be taken in a book and carefully preserved among the records.

Quarterly Court.

190. The Quarterly Court of each county meets four *Terms.* times a year, once a quarter.

191. The Quarterly Court has concurrent original jurisdiction, both in law and equity, with Justices of the *Jurisdiction.* Peace, in all civil proceedings; but the jurisdiction shall not attach except by consent of the defendants in writing, unless one of them resides in the civil district which embraces the county seat, or all are non-residents of the county. Quarterly Courts have jurisdiction, concurrent with Circuit Courts, of all actions for the recovery of money or personal property, where the matter in controversy, exclusive of interest and costs, exceeds fifty

dollars, and does not exceed two hundred dollars in value.

Court of Claims.

192. The Court of Claims is held in each county once a year. The County Judge and Justices of the Peace of the county, associated together, constitute the court; a majority of whom shall constitute a quorum for the transaction of business. The jurisdiction of this court is confined to laying the county levy, appropriating money, and transacting other financial business of the county.

Commonwealth's Attorney.

193. The Commonwealth's Attorney is elected by the Election, etc. qualified voters of the judicial district, at the same time, and for the same term as the Circuit Court Judge.

194. It shall be the duty of the Attorney for the Commonwealth to attend each Circuit Court holden in Duties. his district, and prosecute all violations of the criminal and penal laws therein, and discharge all other duties assigned him by law.

195. He is paid an annual salary of five hundred dollars, and in addition he is remunerated in fees. Compensation.

County Attorney.

196. The County Attorney is elected by the qualified Election, etc. voters of the county, at the same time, for the same term, and in the same manner as the presiding Judge of the County Court.

197. Each County Attorney shall attend all County Courts held in his county, and shall superintend and

Duties. conduct all cases and business in the court touching the rights or interests of the county. He shall give the court and the several county officers legal advice concerning any county business within the jurisdiction of any of them. He shall attend the Court of Claims, and oppose the allowance of all claims that are not legally presented or are unjust. He shall oppose the improper grant of tavern license. He shall attend to the prosecution of all riots, routs, and breaches of the peace, except in the Circuit Court. In certain cases he assists the Commonwealth's Attorney in the Circuit Court.

198. He shall be allowed annually, at the Court of
Compensation. Claims, a reasonable salary out of the county levy.

The Jury System.

199. The court shall appoint three Jury Commissioners, possessing the qualifications prescribed for petit jury-
Jury Commissioners. men, resident in different portions of the county, and who have no suit in court which requires the intervention of a jury. The Jury Commissioners, after they have been organized and sworn, shall retire to a jury room or some other apartment designated by the Judge. They shall be kept free from the intrusion of any person, and not separate without leave of the court, until they shall have completed the duties required of them.

200. The Jury Commissioners shall select from the citizens of the different portions of the county one
Drawing of Petit Jurors. hundred persons, or a less number if so directed by the Judge, free from legal exceptions, of fair character and approved integrity, of sound judgment, and well informed to serve as petit jurors at the next term of the court; write the names of such persons on separate pieces

of paper, as near the same size and appearance as may be, and fold the same so that the name thereon may not be seen. The names of the persons so written and folded shall then be deposited in a box, and after being well mixed and shaken, the commissioners shall draw from said box the names of thirty persons, one by one, and record the same as drawn, upon paper, which shall be certified and signed by them, directed to the Judge of the Circuit Court, and indorsed "a list of the standing jury." They shall inclose, in like manner, the list of the names of the remainder originally selected; which papers they shall deliver to the Judge in open court. The two lists shall be sealed and indorsed, and the names of the commissioners written upon the seals, so that the contents can not be seen without breaking the seals. The Judge shall deliver the lists to the Clerk in open court, and administer to the Clerk and his deputies an oath for the faithful performance of their duties thereto. Within thirty days of the next term, and not before, the Clerk shall open the envelope, and make out a fair copy of the jury list, and give the same to the Sheriff or his deputy, who shall, at least three days prior to the first day of the next term, summon the persons to attend on the second day of said term, as petit jurors.

201. The Jury Commissioners, when they select the Petit Jury, in the same mode, select not less than thirty-
Drawing of
Grand Jurors. two citizens and house-keepers qualified to serve on the Grand Jury, selecting them, as far as practicable, from different parts of the county, from which they shall, by lot, select sixteen, who shall be reported to the Court, and constitute the Grand Jury for the next term. The list so returned, sealed, shall be disposed of by the Court

and Clerk, and the Grand Jurymen be summoned in the same way and manner by the Sheriff as in case of the Petit Jury.

202. No person shall be a competent Jurymen for the trial of criminal, penal or civil cases in any Court unless ^{Qualifications of} he be a citizen, at least twenty-one years of age, ^{Petit Jurors.} a house-keeper, sober, temperate, discreet, and of good demeanor. No one, while under indictment, in this State or elsewhere, or who has been convicted of a felony and not pardoned, is competent to serve as a Petit Juror.

203. No person shall be qualified to serve as a Grand Jurymen unless he be a citizen and a house-keeper of the ^{Qualifications of} county in which he may be called to serve, and ^{Grand Jurors.} over the age of twenty-one years. No one, while under indictment, in this State or elsewhere, or who has been convicted of a felony and not pardoned, is competent to serve as a Grand Juror.

204. The Petit Jury shall consist of twelve persons, unless the parties agree that it may be composed of a less ^{Duties of} number. It is the duty of this Jury to well and ^{Petit Jury.} truly try all cases brought before it, and render a true verdict, in accordance with the evidence and the law governing such cases.

205. The Court appoints one of the number of the Grand Jury foreman thereof. It is the duty of this jury, ^{Duties of} saving themselves, to diligently inquire of and ^{Grand Jury} present all treasons, felonies, misdemeanors and breaches of the penal laws which shall have been committed or done within the limits or jurisdiction of their county, of which they have any knowledge or may receive any information.

206. If the Grand Jury decide that a person suspected ^{Indictment.} of a crime or misdemeanor is guilty, they return an indictment against him, indorsed "A True Bill."

207. The manner of proceeding in a criminal trial is as follows: After an indictment has been found by the ^{Criminal trial.} Grand Jury against a person, a warrant is issued for his arrest. For all except capital offenses he may give bail, by which his bondsmen agree to forfeit a certain amount of money if the accused fail to appear for trial. He is then released until the day of trial. When the case is brought up in court the indictment is read to the accused and he pleads either guilty or not guilty. If he plead guilty, there is no need of a trial, the Judge merely sentencing the prisoner; but if he plead not guilty, the trial proceeds. The Commonwealth's Attorney appears for the State, and if the defendant have no attorney he is furnished one by the Court. Each party may challenge and have excused from the jury a certain number of jurors. After the jury is impaneled, the evidence against and for accused is given, and the Judge charges the jury regarding the law governing such cases. The jury then retires in charge of the bailiff to consult concerning the verdict. It requires the unanimous vote of the jury to convict, and if there be a reasonable doubt of the guilt of the accused, he must be acquitted. If the jurors can not agree upon a verdict, the jury is discharged and the case must be tried by a new jury.

208. In a civil case the plaintiff, or party beginning the action, files a "complaint" against the defendant in ^{Civil Trial.} the office of the Clerk of the court, and a summons is issued notifying the defendant of the suit

brought against him. If the defendant makes no appearance, by himself or attorney, to defend his case, the plaintiff takes judgment by "default." If the defendant appear, he files an "answer" to the "complaint" of the plaintiff. After the "issues" are made up, the case is set for trial. It may, with some exceptions, be tried before the court or a jury, as the parties may agree. If either party demand a jury, the case must be tried before a jury.

REVIEW QUESTIONS.

1. What counties compose the judicial circuit in which you live?
2. For how long are Judges of the Circuit Court elected?
3. Who is Judge of the Circuit Court in your district?
4. What is his salary?
5. How are the number and length of terms decided?
6. Who is eligible as Circuit Judge?
7. When does the Circuit Court meet in your county?
8. Tell what you can of the jurisdiction of Circuit Courts.
9. What is said of Circuit Court records?
10. What is the County Court?
11. For how long are County Judges elected?
12. Who is your County Judge?
13. How is he paid for his services?
14. How often does the County Court meet?
15. Who is eligible as a County Judge?
16. When does the County Court meet in your county?
17. Tell what you can of the jurisdiction of the Circuit Court.

18. What is said of County Court records?
19. How often does the Quarterly Court meet?
20. Tell what you can of the jurisdiction of Quarterly

Courts.

21. How often is the Court of Claims held?
22. Who constitutes the Court of Claims?
23. What is the jurisdiction of the Court of Claims?
24. Tell of the election and term of the Common-

wealth's Attorney.

25. Mention some of his duties.

26. How is he paid?

27. Who is the Commonwealth's Attorney in your circuit?

28. Tell of the election and term of the County Attorney.

29. What are his duties?

30. How is he paid?

31. Who is the County Attorney in your county?

32. What are the qualifications and duties of Jury

Commissioners?

33. Explain how Jurors are drawn.

34. What are the qualifications of a Petit Juror?

35. What are the qualifications of a Grand Juror?

36. What are the duties of the Petit Jury?

37. What are the duties of the Grand Jury?

38. What is an indictment?

39. Tell how a criminal trial is conducted.

40. Tell how a civil trial is conducted.

CHAPTER IX.

CIVIL GOVERNMENT OF THE DISTRICT.

OUTLINE.

Civil Government of the District.	{	Legislative, Trustees.
		Executive, { Trustees. Constables.
		Judicial, { Justices of the Peace. Constables.

209. As the State is divided into counties, so is each county divided into districts. The county is divided into Districts. districts upon two different bases, for judicial purposes and for school purposes. The first are called justices' districts and the second are school districts.

210. The distribution of power in the district remains the same as in the county and State, but is less distinctly Distribution of power. marked than in the county. There is little need of legislative power, and this is performed by the school trustees, who have also some executive duties. The judicial power is exercised by the Justices of the Peace and Constables.

LEGISLATIVE DEPARTMENT.

School Trustees.

211. As legislative officers, the Trustees, with the advice and consent of the County Superintendent, levy and collect certain taxes for school purposes.

EXECUTIVE DEPARTMENT.

School Trustees.

212. Each school district is under the control of three Trustees, one of whom is elected each year for the term Election, etc. of three years, at the school-house in the district on the first Saturday of June in each year.

213. Any two of the Trustees constitute a quorum for the transaction of business. The title to all school Powers and duties. property of the district is vested in them and their successors in office. They have general charge of all school property, and, under the direction of the County Superintendent, the management of school affairs pertaining to the district. They assess and collect certain taxes for school purposes. They employ the teacher, agree with him as to the compensation, and, for good cause, of which he shall first be notified in writing, remove him, subject to the approval of the County Superintendent. It is the duty of the Trustees to invite and encourage all the children in the district to attend school. One of the Trustees shall visit the school within five days after it opens, and thereafter once a month. They have many other duties and reports to make concerning the schools.

Constable.

214. A Constable shall be elected in every Justice's District, who shall be chosen for two years, at such time Election, etc. and place as may be provided by law, whose jurisdiction shall be co-extensive with the county in which he may reside. He must take an oath and give bond for the faithful performance of his duties.

215. The Constable is the executive officer of the Justice's Court. He serves all warrants, subpoenas and other ^{Powers and duties.} papers handed to him by the Justice, preserves order during the progress of a trial, and enforces the legal orders of the Justice. Constables may execute bench warrants, warrants of arrest, distress, or other warrants, summons, subpoenas, attachments of all kinds, notices, rules, and orders of court in all criminal, penal and civil cases, and shall return all such processes, noting the time of execution on them, to the courts or persons issuing them.

216. ^{Compensation} The compensation of Constables is in fees.

JUDICIAL DEPARTMENT.

Justices of the Peace.

217. Two Justices of the Peace are elected in each ^{Election, etc.} Justice's district to serve for the term of four years. They shall take an oath and give bond for the faithful performance of their duties.

218. The jurisdiction of Justices of the Peace is co-extensive with the county. They are conservators of ^{Jurisdiction.} the peace, and have jurisdiction in all penal cases where the fine or penalty is so regulated by law that it can not exceed twenty dollars, unless the jurisdiction thereof is otherwise specially conferred. They have jurisdiction, exclusive of Circuit Courts but concurrent with Quarterly Courts, of all actions and proceedings for the recovery of money or personal property where the matter in controversy, exclusive of interest and costs, does not exceed fifty dollars in value, and in other cases specially provided by statute.

219. Each Justice of the Peace shall hold a court in his district for the trial of civil causes, on a day to be fixed ^{Powers and duties.} by the presiding Judge of the County Court, in the months of March, June, September and December in each year, and continue until the business is disposed of. Every justice's court is a court of record, and each justice shall, in a book provided by him for that purpose, keep a full and fair record of his judicial proceedings. They may hold court at any time for the trial of criminal or penal causes of which they have jurisdiction.

220. The Justices of the Peace are allowed three dol- ^{Compensation.} lars each per day for attendance at the Court of Claims. The balance of their compensation is in fees.

REVIEW QUESTIONS.

1. Into what civil divisions are counties divided?
2. For what two purposes are counties divided into districts?
3. How many justices' districts are there in your county?
4. How many school districts?
5. What is said of the distribution of power in districts?
6. Tell of the election, term, etc., of the School Trustees.
7. What are their powers and duties?
8. Who are the Trustees of your district?
9. Tell of the election and term of the Constable.
10. What are his powers and duties?
11. How is he paid?
12. Name the Constable of your district.

13. In whom is the judicial power of the district vested?

14. Tell of the election and term of Justices of the Peace.

15. How many are there in each district?

16. Tell what you can of the jurisdiction of Justices of the Peace.

17. What are the powers and duties of Justices of the Peace?

18. How are they paid?

19. Name the Justices of your district.

CHAPTER X.

CIVIL GOVERNMENT OF CITIES AND TOWNS.

221. When people collect in such numbers as to form cities and towns, a different form of government from the Necessity for other forms of government. ordinary county and district governments is needed. A number of matters which are not found in the district or county require attention. The streets must be kept in better condition than the public roads, and sidewalks must be made; policemen must be employed to preserve order; fire companies must be organized to prevent destructive fires. In the larger cities, street railways, water-works, gas-works, etc., must be established and regulated by law. The General Assembly, therefore, has delegated to towns and cities the power to make and enforce local laws for their government, so long as they do not conflict with the General Statutes. While they have the same general organization, yet they

vary so much in minor affairs that there are, probably, no two of them that have exactly the same organization and code of laws. To write an exact and complete civil government of them would require a separate chapter for each city and town in the Commonwealth, and this would make the work too voluminous for a text-book. We shall, therefore, give only the general provisions concerning them, which the student will modify to suit any particular town or city. All the officers given in the text may not be found in every town or city, while some towns and cities may have officers not given in the text. The duties of the same officers will not always be the same in every town or city, and due allowance must be made for this fact. Only such officers have been named, and only such of their duties given, as seem to be the most general throughout the Commonwealth.

THE TOWN.

222. The County Court of each county, on the application of the ostensible owner, if it deem the same advantageous and necessary to the public at large, may Establishment of a town. establish a town, and thereby vest the title of a designated tract of land in trustees and their successors for that purpose. The court, in the order establishing a town, must give the metes and bounds, and the quantity of land embraced therein. It must fix the name of the town, and appoint trustees for the same. The land so vested in trustees shall be laid off into convenient lots, streets, and alleys, and each lot numbered, and each street named; and a plat thereof must be recorded in the County Court Clerk's office. The lots shall be disposed of by the

trustees, at public auction, on such credit as the proprietors may direct, proper notice of the time and place of sale being given. The trustees shall, when the sale money is paid, convey the title of the lots to the respective purchasers or their transferees.

Town Trustees.

223. Each town shall annually, the first Monday in June, elect five trustees; ten days previous notice, in Election. writing, of the time and place of each election, must be set up by the clerk of the board, at five of the most public places in the town.

224. No person shall be eligible to the office of a Who eligible. Trustee who is not a citizen of the town and a qualified elector of the Commonwealth.

225. The Trustees of towns may make such rules and regulations for the government thereof, not inconsistent Powers and duties. with the laws and Constitution of the Commonwealth, as they may deem necessary and proper. Three Trustees constitute a board to do business.

226. The Trustees appoint a Clerk, Assessor, Town Appointment of other officers. Warden, Collector and Treasurer, and take from the two latter bond and good surety for the faithful performance of their duties.

THE CITY.

227. The following outline shows the distribution of the powers of government, and the names of the various officers, as near as can be given to suit all cities:

The City.	{	Legislative: Council.	
		{ Mayor.	
		Clerk.	
{	Executive	Treasurer.	
		Marshal	
		Street Commissioner.	
		Engineer.	
		School Trustees.	
{	Judicial	{ Mayor.	
		City Attorney.	

LEGISLATIVE DEPARTMENT.

Council.

228. For the election of Councilmen the city is divided
Wards. into wards. The Councilmen must be residents
of the wards from which they are chosen.

229. The Council holds regular meetings at such times
Meetings. as they may designate. The Mayor is the pre-
siding officer.

230. The General Assembly has given to the Council
the power to make laws on matters which concern the
Ordi-
nances. peace, health or safety of the residents of the
city. These laws are called city ordinances, and the Coun-
cil may provide, by fine or imprisonment, for the pun-
ishment of those who violate them.

231. The Council has control of the finances and prop-
erty of the city. It levies taxes for city purposes, and
Other
powers. fixes the salaries of all the city officers. It ap-
points those of the city officers who are not elected by
the people. It may provide for the improvement of
streets and alleys, and other necessary public improve-
ments.

EXECUTIVE DEPARTMENT.

Mayor.

232. The Mayor is the chief executive officer of the city. It is his duty to see that the ordinances of the city are faithfully executed. He has general supervision over the subordinate officers of the city.

Clerk.

233. The Clerk has the custody of all the books and papers belonging to the city. He attends the meetings of the Council and records the proceedings of that body. He countersigns and registers all licenses, permits, etc., of the Council. He draws and countersigns orders upon the Treasurer for money drawn from the city treasury according to law. He keeps account in books furnished for the purpose, of all receipts and expenditures of the city government.

Treasurer.

234. The Treasurer has charge of all the funds belonging to the city, and pays them out on orders signed by the Mayor and countersigned by the Clerk. He makes such reports of the financial affairs of the city as the Council may require

Marshal.

235. The Marshal executes all orders and processes of the Mayor, or the Council. He arrests and commits to jail persons who commit crime, or who violate the city ordinances. He attends the City Court where he has served the processes, and preserves order therein. He suppresses riots and breaches of the peace.

Street Commissioner.

236. The Street Commissioner superintends the building and repairs of the streets and sidewalks. He also recommends to the Council improvements to be made in streets and sidewalks.

Engineer.

237. The City Engineer makes plans and estimates of proposed public improvements when directed by the Council, and superintends the opening of new streets.

School Trustees.

238. The School Trustees are usually appointed by the Council, but are sometimes elected by the people. They have charge of the school affairs of the city, and the care of the school property. They employ teachers, and make all necessary improvements in school property.

JUDICIAL DEPARTMENT.

Mayor.

239. The Mayor is the chief judicial officer of the city. Acting as such, he must hold a city court, and while sitting as such court he has exclusive jurisdiction in all prosecutions for violations of the city ordinances. He must keep a docket, as Justices do.

City Attorney.

240. The City Attorney is the legal adviser of the city officers, and he advises the Council upon matters in ref-

erence to the action of the Council. He prosecutes actions in favor of the city, and defends actions brought against the city.

REVIEW QUESTIONS.

1. Why are town or city governments necessary?
2. Why is it that a complete and exhaustive civil government of towns and cities can not be given?
3. Explain how a town may be established.
4. Tell of the number, election and term of the Town Trustees.
5. Who are eligible to the office of Town Trustee?
6. What are their powers and duties?
7. What other officers do they appoint?
8. Name the officers of each department of the city government.
9. What are city wards?
10. Tell of the election of the Councilmen.
11. What is said of Council meetings?
12. What is a city ordinance?
13. Name some of the powers of the City Council.
14. What are the duties of the Mayor as a legislative officer?
15. What are his duties as an executive officer?
16. What are the duties of the Clerk?
17. What are the duties of the Treasurer?
18. What are the duties of the Marshal?
19. What are the duties of the Street Commissioner?
20. What are the duties of the City Engineer?
21. What are the duties of the School Trustees?

22. What are the duties of the Mayor as a judicial officer?

23. What are the duties of the City Attorney?

24. How does a city differ from a town?

25. Do you live in a city or a town?

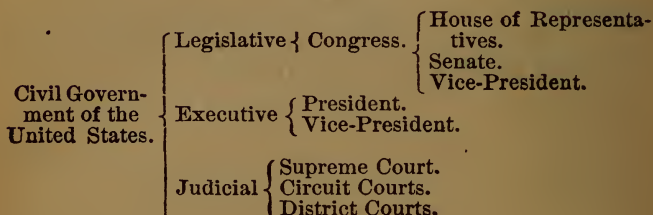
26. How many cities are there in your county? How many towns?

27. If you live in a city or a town, make a list of the persons now holding city or town offices.

PART III.

CIVIL GOVERNMENT OF THE UNITED STATES.

OUTLINE.



CHAPTER XI.

LEGISLATIVE DEPARTMENT.

241. All National legislative power is vested in
How vested. Congress, which consists of two houses—the
House of Representatives and the Senate.

House of Representatives.

242. The number of Representatives is determined
by Congress. They are apportioned among the sev-
Number. Ap-
portionment. eral States according to the number of in-
habitants, excluding Indians not taxed. Each State is
divided into congressional districts and one Repre-

sentative is elected from each district. The number of Representatives can not exceed one for each thirty thousand people. The number in the present House of Representatives is three hundred and twenty-five, and the proportion of Representatives to inhabitants is one to each 154,325.

243. The Representatives are chosen by the voters of the States. Any person qualified to vote for a ^{How chosen.}
^{Term.} member of the lower branch of the State Legislature may vote for Representative. The term is two years.

244. In order to be a Representative a person must be twenty-five years of age, must have been for seven ^{Qualifica-}
^{tions.} years a citizen of the United States, and at the time he is elected must be an inhabitant of the State from which he is chosen.

245. The House chooses its own officers. The principal officer is the Speaker, who is chosen from ^{Officers.} the members. His duties are similar to those of the Speaker of the State House of Representatives. He presides over the meetings, and appoints the members of the various committees. Other important officers are the Clerk, Sergeant-at-Arms, Doorkeeper, and Chaplain. These officers are not members of the House.

246. In addition to the members elected from the States, one Delegate is chosen from each organized ^{Delegates.} Territory. He may engage in debate, but has no vote.

247. Two powers belong exclusively to the House. All bills for raising revenue must originate there, and ^{Special powers.} when any officer of the United States is impeached the articles of impeachment must be prepared by its members.

Senate.

248. The Senate is composed of two Senators from ^{Composition.} each State. They are elected ^{Election.} ~~by the State Legislatures~~ ^{by vote} for a term of six years.

249. In order to be a Senator a person must be thirty years of age, must have been for nine years a ^{Qualifications.} citizen of the United States, and when elected, must be an inhabitant of the State from which he is chosen.

250. The presiding officer of the Senate is the Vice-President of the United States. He has no vote ^{Officers.} unless the Senate is equally divided. The Senate committees are not appointed by the President of the Senate, but are made up by the Senators in caucus. The Senate elects one of its members President *pro tempore*, to serve during the absence of the Vice-President. It also has power to elect its other officers.

251. The Senate has the sole power of trying impeachments. When sitting for that purpose the Senators are under oath. A majority of two-thirds of the members present is necessary for conviction.

PROVISIONS COMMON TO BOTH HOUSES.

252. Congress meets every year, beginning on the first Monday in December. As the Representatives Meetings. are elected every two years, the two sessions following each election are called "A Congress." Extra sessions may be called by the President of the United States at any time.

253. Neither house can, without the consent of the other, adjourn for more than three days, nor to any Adjournment. other place than that in which the two houses shall be sitting.

254. Each house is the judge of the election returns, and qualifications of its own members. A ma-
Control of
Members, etc. jority of each is a quorum to do business, and a smaller number may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as each house may provide. Each house must keep and publish a journal of its proceedings.

255. Members of Congress are paid from the United States Treasury. The salaries of both Senators and
Compensa-
tion. Representatives are at present five thousand dollars per year with mileage at the rate of twenty cents per mile. The Speaker of the House of Representatives and the President of the Senate each receive eight thousand dollars per year.

256. No Senator or Representative can, during the time for which he was elected, be appointed to any civil

Prohibitions. office under the authority of the United States which has been created or the compensation of which has been increased during such time; nor can any one holding office under the United States become a member of either house during his continuance in office.

257. The manner of making laws in Congress is about the same as in the State Legislature. Every bill, in order to become a law, must pass both houses. It is then sent to the President, who has the same right to veto bills that the Governor has to veto the bills of the General Assembly. The President is given ten days to sign or veto each bill. If he vetoes it, a majority of two-thirds in each house is necessary to pass it over his veto. If he keeps the bill for more than ten days, Sundays excepted, it becomes a law without his signature.

POWERS OF CONGRESS.

Congress has power—

258. To lay and collect all taxes,* duties, imposts, and excises to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;

* There are two classes of taxes—direct and indirect. Direct taxes are those which are levied directly upon property or persons. Indirect taxes include duties, imposts and excises. Duties are taxes laid on imported goods. Imposts are about the same as duties. Excises are duties laid upon goods manufactured and consumed in the same country.

259. To borrow money on the credit of the United
Borrow Money. States ;

260. To regulate commerce with foreign nations,
Regulate Commerce. and among the several States and with the
Indian tribes ;

261. To establish a uniform rule of naturalization,*
Naturaliza- tion. and uniform laws on the subject of bank-
Bankruptcy. ruptcy in the United States ;

262. To coin money ; to regulate the value thereof
Money. and of foreign coin ; and fix the standard
of weights and measures ;

263. To provide for the punishment of counter-
Counterfeit- ing. feiting the securities and current coin of the
United States ;

264. Posto-fices. To establish post-offices and post-
roads ;

265. To promote the progress of science and use-
ful art, by securing for limited times to authors and
Patents and Copyrights. inventors the exclusive right to their writ-
ings and discoveries ;†

* Before becoming citizens of the United States foreign born inhabitants must be naturalized. Congress has provided for their naturalization as follows: The person must first make, under oath, before a court, a declaration that it is his intention to become a citizen of the United States. Not less than two years after his declaration of intention, and after he has lived five years in the United States and one year in the State in which he wishes to become naturalized, before a court he renounces his allegiance to all other governments and promises to support the Constitution of the United States. He then becomes a citizen.

† Patents are secured by sending to the Commissioner of Patents a description and model of the invention. If it is found that no similar article has been patented, a patent is issued. Patents are issued for seventeen years, and the cost is thirty-five dollars.

266. To establish inferior tribunals to the Supreme
Inferior Courts. Court ;
267. To define and punish felonies committed on
Felonies on the high seas. the high seas, and offenses against the laws of nations ;
268. To declare war, grant letters of marque and
War. reprisal,* and make rules concerning cap-
 tures on land and water ;
269. To raise and support armies ; but no appro-
Raise armies. priation of money to that use shall be for a longer term than two years ;
270. Navy. To provide and maintain a navy ;
271. To make rules for the government and regu-
Rules for Forces. lation of the land and naval forces ;
272. To provide for calling forth the militia to ex-
Calling forth militia. ecute the laws of the Union, suppress in-
 surrections and repel invasions ;
273. To provide for organizing, arming and dis-
 ciplining the militia, and for governing such part of
Organizing militia. it as may be employed in the service of the
 United States, reserving to the States respectively
 the appointment of the officers and the authority of

Copyrights are secured by sending to the Librarian of Congress two copies of the book or drawing. Copyrights are issued for twenty-eight years, and may be renewed for fourteen years longer.

* Letters of marque and reprisal are letters issued by the government to private persons, authorizing them to go beyond the borders of the country and capture the property of subjects of another nation. If the bearers of these letters are captured by the enemy they are treated as prisoners of war and not as pirates, as they would be considered if they did not have the letters of marque and reprisal.

training the militia according to the discipline prescribed by Congress ;

274. To exercise exclusive legislation in all cases whatsoever over such district,* (not exceeding ten ^{Seat of} miles square), as may, by cession of particular States and the acceptance of Congress, become the seat of government of the United States, and to exercise like authority over all places purchased, by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings ; and

275. To make all laws which shall be necessary and proper for carrying into execution the foregoing ^{Carrying laws} powers, and all other powers vested by the ^{into effect.} Constitution in the government of the United States, or any department or office thereof.

PROHIBITIONS UPON THE UNITED STATES.

276. The privileges of the writ of *habeas corpus* *Habeas Corpus* (see page 15,) shall not be suspended, unless, when in case of rebellion or invasion, the public safety may require it.

277. No bill of attainder† or *ex post facto* law ^{Bill of Attain-} shall be passed. ^{der. *Ex post*} ^{*facto* law.}

*This district is called the District of Columbia, and was originally ten miles square ; it was ceded to the United States in 1790 by Maryland and Virginia. In 1846 the territory ceded by Virginia was given back, leaving the district with its present boundaries.

†A bill of attainder is a law inflicting death on a person, and declaring his property forfeited to the Government, when he has not been convicted before a court.

278. Direct taxes must be laid in proportion to the ^{Taxes, export, etc.} census. No taxes are to be laid on articles exported from any State. No preference is to be given in the matter of commerce to the ports of one State over another. A ship bound to one port is not obliged to pay the necessary entrance fees at any intermediate port.

279. The money in the treasury can be drawn out only when appropriated by Congress. This places the ^{Appropriations.} control of the national finances entirely in the hands of the legislative department. At every session of Congress appropriation bills are passed to pay the expenses of the government during the coming year.

280. No title of nobility can be granted by the United States; nor can anyone holding office, without ^{Title of Nobility.} the consent of Congress, accept any gift, title or office from a foreign sovereign or nation.

PROHIBITIONS UPON THE STATES.

281. A number of prohibitions are placed upon the States relating principally to the powers which are given to the general government. Among these are the following: No State shall enter into any treaty, alliance or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; that is, issue notes to be used as money; make anything but gold or silver a legal tender in payment of debts; pass any bill of attainder, *ex post facto* law or any law

which would release a person from his obligations ; or grant any title of nobility. The States are also prohibited from laying any duties on imports or exports, except a small tax to pay for the inspection of certain articles which are liable to be adulterated, and these laws must be subject to the revision and control of Congress. Neither can any State lay tonnage duties, that is duties on ships for the number of tons they carry, nor can they keep troops or ships of war in time of peace, enter into any agreement with the States or nations or engage in war except in case of rebellion or invasion.

REVIEW QUESTIONS.

1. In whom is all National legislative power vested?
2. Of what two houses does Congress consist?
3. How are Representatives apportioned?
4. What is the proportion of Representatives to inhabitants?
5. How many members in the House of Representatives?
6. Who is our Representative?
7. How and for how long are Representatives elected?
8. What are the qualifications for Representative?
9. What is said of the officers of the House?
10. Who is Speaker of the House at present?
11. What are delegates, and what rights have they?

12. What two special powers has the House?
13. How many Senators are there from each State?
14. How many members of the Senate are there?
15. How and for how long are Senators elected?
16. Who are the Senators from Indiana, and when do their terms expire?
17. What are the qualifications for United States Senator?
18. Who is the presiding officer of the Senate?
19. What is said of the Senate committees?
20. What power has the Senate regarding impeachment?
21. When and how often does Congress meet?
22. What is meant by "A Congress?"
23. What is the number of the present Congress?
24. What is said of adjournment?
25. What power has each house over its members?
26. What is the salary of members of Congress?
27. What is the salary of the Speaker of the House and the President of the Senate?
28. What prohibition is placed on the members regarding office-holding?
29. Explain how laws are made.
30. Give ten of the most important powers of Congress.
31. What are duties; imposts; excises; direct taxes?
32. How may a foreign born person become a citizen?

33. Tell how patents and copyrights are secured.
 34. What are letters of marque and reprisal?
 35. Give some of the prohibitions on the United States.
 36. What is a bill of attainder?
 37. What are some of the prohibitions placed upon the States?
-

CHAPTER XII.

EXECUTIVE DEPARTMENT.

President.

282. All National executive power is vested in the President of the United States. He, together with the Vice-President, is elected for a term of four years in the following manner :

283. In each State a number of electors, equal to the number of Representatives and Senators of the Electors. State in Congress, is appointed in such a manner as the Legislature may direct. The electors are now elected on a general ticket by direct vote of the people. In some States, however, they have been appointed by the Legislatures. The time for the selection of electors is fixed on the first Tuesday after the first Monday in November. No Senator or Representative or person holding an office of trust or profit under the United States can be an elector.

284. On the first Monday in December the electors chosen in each of the States meet at some place, generally the capital of the State, and proceed to vote by ballot for the President and Vice-President, one of whom must not be an inhabitant of their own State. Three lists of the vote are made and sealed; one is sent by a special messenger to the President of the Senate, to be delivered before the first Wednesday in January following; another is sent by mail to the President of the Senate, and a third is deposited with the Judge of the United States Court of the district in which the electors meet.

285. On the second Wednesday in February the two houses of Congress meet in joint session for the purpose of counting the votes. The President of the Senate presides and opens the lists of electoral votes in the presence of both houses. The votes are then counted by tellers appointed from both houses. The person receiving a majority of the votes for President is declared elected President, and the one receiving a majority of the votes for Vice-President is declared elected to that office.

286. If no one has received a majority of the votes of all the Electors appointed, the House of Representatives* proceeds at once to the election of a President. The election must be made from the three persons having the largest num-

Meeting of
Electors.

Counting the
votes.

Election of
President by
the House of
Representa-
tives.

* Two Presidents have been elected by the House of Representatives: Thomas Jefferson in 1801 and John Quincy Adams in 1825.

ber of electoral votes. Two-thirds of the States must be represented; each State has one vote, and the person elected must secure the votes of a majority of the States. If no person is elected President by the fourth day of March, the Vice-President becomes President.

287. If no one has received a majority of the electoral votes for Vice-President, the right of election goes to the Senate.* The selection must be made between the two persons having the highest number of votes. Two-thirds of the Senators must be present, and a majority of the whole number of Senators is necessary to a choice.

288. The present method of electing the President and Vice-President was adopted in 1804 as an amendment to the Constitution. By the original article, the Electors each voted for two persons for President, the one receiving the highest number of votes, providing he received a majority of all the votes, became President; and the one receiving the next highest became Vice-President. If two persons received a majority and the same number of votes, the House of Representatives chose one of them President. If no one received a majority, from the five highest on the list, the House of Representatives chose the President. If after the choice of President there were two or more having equal num-

* But one Vice-President has been elected by the Senate: Richard M. Johnson in 1837.

bers of votes, the Senate chose one of them Vice-President.

289. When the electoral system was adopted it was intended that each elector should use his personal judgment in voting for the highest officer in the Nation, and that the office should be lifted above party strife. It has, however, become a mere farce. Each political party nominates its candidates for President and Vice-President, and the electors are chosen wholly with reference to these political parties. The result is known long before the meeting of the electoral college,* and the meeting of this body is nothing more than a form.

290. The President may be removed from office on conviction, by impeachment, of treason, bribery, or other high crimes and misdemeanors. Whenever the office becomes vacant by reason of the President's removal, death, resignation or inability to perform the duties of his office, the Constitution provides that the Vice-President shall succeed to the office. It also gives to Congress the power to say who shall act as President when the offices of President and Vice-President are both vacant. The succession was formerly given to the President *pro tempore* of the Senate and the Speaker of the House of Representatives, but a law passed in 1885 provides that the members of the President's Cabinet shall succeed to the

* The whole body of electors taken together is called the *electoral college*.

office in the following order: Secretary of State, Secretary of the Treasury, Secretary of War, Attorney-General, Postmaster-General, Secretary of the Navy, and Secretary of the Interior. The acting President serves only until the vacancy can be filled by the election of a new President. Electors must be chosen the same date and in the same manner as at a regular election, and two months' notice of the vacancy must be given to all the States.

291. Before entering upon the duties of his office the President must take the following oath: "I do Oath of office. solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect and defend the Constitution of the United States."

292. The Constitution provides that the salary of the President shall be fixed by Congress. It also provides that this salary shall be neither increased nor diminished during the time for which the President was elected. The salary of the President at present is fifty thousand dollars per year. He also has the use of the Executive Mansion, or White House.

293. In order to become President a person must be thirty-five years of age, a natural-born citizen of the Qualifications. United States, and must have been for fourteen years a resident within the United States. The Presidency and Vice-Presidency are the only offices within the gift of the American people which foreign-born citizens are prohibited from filling.

Powers and Duties of the President.

294. The President is Commander-in-Chief of the army and navy of the United States, and of the militia of the several States when called into the service of the United States. It is not the custom for the President to take the field himself. He appoints and removes officers, and directs the movements of the armies.

295. He has power to grant reprieves and pardons for offenses against the National Government, except ^{Reprieves and Pardons.} in cases of impeachment. He can not grant pardons or reprieves for violation of State laws. This power is given only to the Governors of the States.

296. By and with the advice and consent of the Senate, the President has power to appoint Ministers,* Consuls,† Judges of the United States Courts, and all other officers of the United States whose appointment is not otherwise provided for by the Constitution. Congress, however, has power to vest the appointment of such inferior offices as it thinks proper in the President alone, in the courts, or in the heads of departments. The President may nominate any person

* Ministers are officers sent by our government to each of the more important foreign nations for the purpose of transacting business between our government and the government at which they reside.

† Consuls are officers sent to foreign ports for the purpose of attending to such commercial transactions as the government may have at that port, and of protecting the rights of seamen and merchants.

whom he may choose for an office, but the Senate is not obliged to confirm his nominations. The nominations are sent to the Senate in writing, and are considered by that body in secret session.* If a nomination made by the President is rejected, he must nominate other persons for the position until one is found who is satisfactory to the Senate. If an office becomes vacant while Congress is not in session, the President may appoint a person to fill the vacancy. The commission of the person thus appointed expires at the close of the next session, and some time during the session the President nominates a person to fill the office permanently. The President can not remove an officer without the consent of the Senate. He can, however, during a recess of the Senate, suspend any officer appointed by him, except the Judges of the United States Court, until the end of the next session of Congress, and appoint another person in the place of the suspended officer.

297. The President has power, by and with the advice and consent of the Senate, providing that two-thirds of the members are present, to make Treaties. These treaties are generally arranged by ministers or ambassadors from this country acting under the direction of the President. They are then submitted to the Senate for its ratifica-

* When the Senate is in session for the purpose of considering nominations it is said to be in *executive session*.

tion or rejection. For the discussion of treaties the Senate meets in secret session.

298. The Constitution makes it the President's duty to give to Congress information of the state of Messages. the Union, and to recommend to their consideration such measures as he may judge necessary and expedient. It is therefore the practice for the President, at the beginning of each session of Congress, to send a message containing reports of each of the department officers, and such recommendations as he may think proper to make. He also sends such messages as may be necessary to either branch during the session of Congress.

299. On extraordinary occasions the President has power to convene either or both houses of Congress; Convention or Adjournment of Congress. and in case of a disagreement between the two houses regarding a time of adjournment, he may adjourn them to such a time as he may think proper.

300. The Constitution makes it the especial duty of the President to see that the laws are faithfully Execution of laws. executed. The executive business of the government is so great, and so varied in its character, that it is impossible for the President to attend to it personally. The business of the government is divided among seven departments. The heads of these departments constitute the President's Cabinet, or body of advisers, and are as follows: Secretary of State, Secretary of the Treasury, Secretary of War,

Secretary of the Navy, Postmaster-General, Attorney-General, and Secretary of the Interior. The President may require the written opinion of any member of the Cabinet, on any subject connected with his department, but the President is not obliged to follow the advice of the officer. The Cabinet is generally appointed by the President immediately after his inauguration, and is confirmed by the Senate in special session. The members of the Cabinet each receive a salary of eight thousand dollars per year.

301. The Department of State is generally considered the most important of the executive departments.

Department of State. It has charge of all business of the United States with foreign nations. Through this department the President instructs the consuls and diplomatic agents of the nation. The Secretary of State receives all foreign ambassadors and presents them to the President. This department also has charge of the seal of the United States. This seal, together with the signature of the Secretary of State, is affixed to the proclamations of the President and other State papers. All laws and resolutions of Congress are filed in the State Department.

302. The Department of the Treasury has charge of the financial affairs of the nation. It collects all

Department of the Treasury. customs and revenues, pays out all money from the treasury of the United States, coins money, has charge of the coast survey, provides for the erection of light houses, and superintends the exe-

cution of all laws which relate to commerce and navigation.

303. The Department of War has charge of the military affairs. It exercises control over the army of Department of War. the United States, furnishes supplies and equipments for the troops, superintends their payment, has charge of the construction of arsenals, hospitals and armories, and has the care of the military academy at West Point. The signal service and system of weather reports are connected with this department.

304. The Department of the Navy has charge of the naval forces of the Nation. It attends to the Department of the Navy. building, purchase and repair of all government vessels, has control of navy-yards and dock-yards, and sees to the supplies and equipment of vessels and seamen. It also has the care of the naval academy at Annapolis.

305. The Postoffice Department has the care of all matters connected with the United States mail. It Postoffice Department. establishes or discontinues postoffices, selects post routes, appoints all postmasters whose salaries are less than one thousand dollars per year, receives reports from all postmasters, and furnishes stamps, postal cards, etc.

306. The Department of Justice, of which the Attorney-General is the head, has charge of all legal Department of Justice. affairs concerning the United States. The Attorney-General prosecutes all suits in the Supreme Court to which the United States are a party; he gives

legal advice when requested to the President, or to the heads of the departments, on business connected with their departments ; he has superintendence over United States District Attorneys and Marshals, and receives reports from them.

307. The Department of the Interior has charge of such domestic business as is not distributed among the other departments. It has charge of Department of the Interior. the public lands of the United States, distributes pensions, grants patents, exercises control over the Indian tribes, and superintends the taking of the United States census every ten years. The Bureau of Education is a part of this department.

Vice-President.

308. The Vice-President is not, properly speaking, an executive officer. His only duty is to preside over the Senate. The office was created merely to provide for the succession to the Presidency in case of a vacancy in that office. The qualifications necessary for Vice-President are the same as for President. His salary is fixed by Congress, and is at present eight thousand dollars per year.

REVIEW QUESTIONS.

1. In whom is all national executive power vested, and for how long is he elected?
2. What are electors ; how many in each State ; how many in Indiana?

3. How and when are the electors appointed?
4. When do the electors of each State meet?
5. Give an account of the proceedings of the electors.
6. When does Congress meet for the purpose of counting the votes?
7. Give an account of the proceedings of Congress on this occasion.
8. When and how does the House of Representatives elect the President?
9. Name the Presidents who have been elected by the House of Representatives.
10. When and how does the Senate elect the Vice-President?
11. What Vice-President was elected by the Senate?
12. How does the present method of electing the President and Vice-President differ from the original method?
13. What was the intention of the originators of the electoral system, and how is that now defeated?
14. How may the Presidency become vacant?
15. Who becomes President in case it is vacant?
16. Who succeed to the Presidency, and in what order if the offices of President and Vice-President are both vacant?
17. How long does the acting President serve?
18. What oath does the President take before entering on the duties of his office?

19. What is the salary of the President and how may it be changed?

20. What are the qualifications necessary for President?

21. What power has the President in connection with the army?

22. What is said of the President's power concerning reprieves and pardons?

23. What appointments does the President make?

24. What has the Senate to do with the President's appointments?

25. What are ministers? Consuls?

26. If an office becomes vacant during a recess of Congress, how is it filled?

27. Tell of the President's power concerning treaties.

28. What are Presidents' Messages? When are they sent, and what do they contain?

29. When may the President convene Congress? When may he adjourn it?

30. Among what departments is the executive business divided, and who are the heads of these departments?

31. What do you mean by the President's Cabinet, and what are its duties?

32. Name the members of the present Cabinet.

33. What is the salary of the Cabinet officers?

34. Of what class of business does the Department of State have charge? The Department of the Treas-

ury? The Department of War? The Department of the Navy? The Postoffice Department?

35. Name the duties of the Attorney-General.

36. Of what class of business does the Department of the Interior have charge?

37. What is said of the Vice-President, his duty, salary, etc.?

CHAPTER XIII.

JUDICIAL DEPARTMENT.

309. The Constitution vests all judicial power in the Supreme Court, and such inferior courts as Congress may from time to time establish. Two inferior courts, the Circuit Courts and the District Courts, have thus far been established.

310. The Supreme Court consists of a Chief Justice and eight Associate Justices. It meets annually, ^{Supreme Court.} in Washington, beginning on the second Monday in October.

311. The territory of the United States is divided into nine circuits,* and in each of these a Circuit Judge ^{Circuit Court.} is appointed. Each of the Supreme Judges is also assigned to a circuit, and must hold court in the circuit at least once in two years.

* The States composing the circuits are as follows:

First Circuit—Maine, New Hampshire, Massachusetts, and Rhode Island.

312. These circuits are divided into districts, in each of which is a District Judge. There are fifty-eight District Courts in the United States, each State having at least one district. Besides the District Judges, there are also appointed for each district a District Attorney and a United States Marshal.

313. All United States Judges are appointed by the President with the advice and consent of the United States Judges. Senate. Their term of office is for life,* or during good behavior. They may be removed from office by conviction on impeachment of treason, bribery, and other high crimes and misdemeanors. Their salaries are fixed by Congress, but can not be diminished during their continuance in office. Their salaries at present are as follows: Chief Justice of the Supreme Court, \$10,500 per year; Associate Justices of the Supreme Court, \$10,000 per year; Circuit Judges, \$6,000 per year; District Judges, \$3,500 and \$4,000 per year.

Second Circuit—Connecticut, Vermont, and New York.

Third Circuit—New Jersey, Pennsylvania and Delaware.

Fourth Circuit—Maryland, Virginia, West Virginia, North Carolina, and South Carolina.

Fifth Circuit—Georgia, Alabama, Florida, Mississippi, Louisiana, and Texas.

Sixth Circuit—Michigan, Ohio, Kentucky, and Tennessee.

Seventh Circuit—Indiana, Illinois, and Wisconsin.

Eighth Circuit—Missouri, Iowa, Minnesota, Arkansas, Kansas, Colorado, and Nebraska.

Ninth Circuit—California, Oregon, and Nevada.

* By act of Congress, when a Judge of any United States Court becomes seventy years of age, and has served at least ten years, he may retire from service and receive during life the same salary that was paid to him at the time of his retirement.

314. The United States Courts have jurisdiction over all cases in law or equity* arising under the Jurisdiction. Constitution, the laws† of the United States or treaties made by authority of the United States; all cases affecting ambassadors, other public ministers and consuls; all cases of admiralty‡ and maritime jurisdiction; all cases to which the United States shall be a party; and controversies between States, between citizens of different States, between citizens of the same State claiming lands under grants of different States, and between a State or its citizens and foreign States and their citizens or subjects.

315. The Supreme Court has original jurisdiction in all cases affecting ambassadors, other public minis-
Jurisdiction
of Supreme
Court.
 ters and consuls, and in all cases in which a State is a party. In all the other cases the Supreme Court has appellate jurisdiction, both as to law and fact, subject to the regulation of Congress.

316. In connection with this department the Constitution defines the crime of treason, and gives to
 Treason. Congress the power to declare what its punishment shall be. Treason against the United States

*By cases in equity we mean cases to which the law in its strict sense can not be applied.

†Under this head comes such cases as counterfeiting, infringement of patents, violations of internal revenue laws, and robbery of U. S. mails.

‡By cases of admiralty we mean cases which arise on the sea, and not within the jurisdiction of any country. Under this head may come cases of piracy, of collision of vessels, or claims made upon vessels, or persons traveling on the sea.

consists only in levying war against the government, or adhering to its enemies, or giving aid or comfort to its enemies. Two witnesses to the same act, or confession in open court, are necessary to conviction. The punishment of treason as fixed by Congress is death or imprisonment for not less than five years, and a fine of not less than ten thousand dollars. This may be changed at any time by act of Congress. No punishment, however, can be imposed which will forfeit the condemned person's property, except during his life, or prevent him from transmitting it to his heirs.

317. Neither the United States nor any State can be sued. Congress has therefore established a Court ^{Court of Claims.} of Claims consisting of five judges, whose business it is to examine all claims brought against the United States. If the judges think the claim should be granted, they so report to Congress, and Congress generally makes an appropriation for the amount claimed. If, however, Congress refuses to make the appropriation, there is no other remedy.

REVIEW QUESTIONS.

1. In whom is the National judicial power vested?
2. Of whom does the Supreme Court consist?
3. Make a list of the members of the Supreme Court as it now exists.
4. How many Circuit Courts are there?
5. In which Circuit do we live?
6. Who is our Circuit Judge?

7. What Supreme Judge is assigned to our Circuit?
 8. How many District Courts in the United States?
 9. How many in Indiana?
 10. Who is District Judge in this district?
 11. How, and for how long, are United States Judges appointed?
 12. How may they be removed from office?
 13. What is said of their salaries?
 14. Give their salaries as they now are.
 15. Name the cases over which United States Courts have jurisdiction.
 16. What are admiralty cases?
 17. In what cases does the Supreme Court have original jurisdiction ; appellate jurisdiction?
 18. In what does treason against the United States consist?
 19. What proof is necessary to convict of treason?
 20. What is the punishment for treason?
 21. What punishment is prohibited?
 22. What is the duty of the Court of Claims?
-

CHAPTER XIV.

MISCELLANEOUS PROVISIONS OF THE CONSTITUTION.

Relations of States and Territories.

318. Full faith and credit shall be given in each State to the public acts, records and judicial proceed-

Acts, Records, Etc. ings of every other State. That is, if a judicial decision has been made against a person in one State, it may be enforced in any other State in the Union. Congress has the power to prescribe the manner in which the acts, records or decisions may be proved.

319. The citizens of each State are entitled to all the privileges of the several States. The object of Privileges of citizens. this clause is to provide for an equality of citizenship in the States. No State can deny to citizens of other States the privileges which would belong to them were they citizens of the State.

320. A person charged with treason, felony, or other crime, who shall flee from justice, and be found Fugitives from justice. in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime. The officers of a State can not go beyond its boundaries to arrest a criminal. If the criminal is found in another State, the Governor of the State from which he has fled may make a requisition to the Governor of the State in which he is found, for the return of the criminal. The request is generally complied with, but if the Governor should refuse to return the person, there is no method of compelling him to do so.

321. New States may be admitted to the Union by Congress, but no new State can be formed within the Admission of States. jurisdiction of another State, nor can any

State be formed of two or more States or parts of States, without the consent of the Legislatures of the States concerned as well as Congress. There are two ways in which new States have been admitted to the Union. In some cases the people of a Territory have formed a constitution and then petitioned Congress for admission. In others Congress has taken the first step and passed an enabling act admitting the State as soon as it had adopted a satisfactory constitution. No certain number of inhabitants is necessary for admission. It has, however, been the practice not to admit a Territory as a State until it has at least a number of inhabitants equal to the number required for each Representative in Congress.

322. Congress has power to make all laws respecting the territory of the United States, and to dispose of it as it may seem fit. The organized Territory of the United States. Territories are under the complete control of Congress. The act of Congress providing for the organization of a Territory is much the same as a State Constitution, except that it is not adopted by the people. It provides for a Territorial Legislature to be chosen by the people, and for a Governor, Secretary, and judicial officers, to be appointed by the President. The citizens of the Territories, however, have no voice in the election of the President of the United States, and their delegates in Congress have no vote.

323. The United States shall guarantee to every State in the Union a republican form of government,

Republican
form of gov-
ernment. and shall protect them against invasion ; and
on application of the Legislature or of the
Governor, (when the Legislature cannot be convened)
against domestic violence. As the States are prohib-
ited from engaging in war, it is but right that the Na-
tional Government should protect them from invasion ;
and as it is necessary to the safety of the entire country
that the people of the States should not be deprived of
their political rights, it is self-protection which leads
the National Government to quell insurrections and
scenes of domestic violence.

324. The Constitution, all laws of the United States
made in pursuance thereof, and all treaties made by
Supreme law. the United States, are the supreme law of
the land. Any State law, or any clause in a State
Constitution, which is contrary to national law, is void,
and must so be declared by the judges of the State
courts.

325. The Senators and Representatives, all mem-
bers of State Legislatures, and all executive and judi-
Oath of office. cial officers both of the United States and of
the States, must, before entering upon the duties of
their offices, take oath or affirmation to support the
Constitution of the United States ; but no religious
test shall ever be required to hold any office or public
trust under the United States.

Amendments.

326. Amendments to the Constitution may be pro-
posed in two different ways, and ratified in two ways.

How made. They may be proposed by a two-thirds vote in both houses of Congress, or by a convention called by Congress, on the application of the Legislatures of two-thirds of the States. They may be ratified by the Legislatures of three-fourths of the States, or by conventions in three-fourths of the States, as Congress may choose. Any portion of the Constitution may be amended except that section which gives the States equal representation in the Senate.

327. Fifteen amendments to the Constitution have thus far been made. They have all been proposed by Congress and ratified by the State Legislatures. The first ten were adopted in 1791, just two years after the adoption of the Constitution, and are known as the National Bill of Rights. These amendments do not change any provision in the Constitution. They were added at the request of several of the State Conventions to give security against any possible misconstruction of the powers of the General Government. The State Bill of Rights, given on page 13, is in many respects modeled after them. The provisions of the amendments to the Constitution are as follows :

328. The first amendment prohibits Congress from making any law respecting an establishment of religion, or prohibiting its free exercise ; also from abridging the freedom of speech or of the press, or the right of the people to assemble peaceably and petition the government for a redress of grievances.

329. The second amendment secures to the people
Second amendment. the right to keep and bear arms.

330. The third amendment provides that no soldier shall, in time of peace, be quartered in any house
Third amendment. without the consent of the owner, and that in time of war the quartering of soldiers must be in a manner prescribed by law.

331. The fourth amendment relates to the right of
Fourth amendment. persons to be secure against unreasonable searches and seizures, and is identical with paragraph 19, on page 16.

332. The fifth amendment provides that no person shall be held to answer for a capital or otherwise infamous crime, unless on indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger; that no person having once been acquitted shall be tried again for the same offense; that no person in a criminal case shall be compelled to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; and that private property shall not be taken for public use without just compensation.

333. The sixth amendment relates to the rights of the accused in criminal prosecutions. He shall have
Sixth amendment. the right to a speedy and public trial by an impartial jury, in the State and district in which the crime was committed, to be informed of the nature and cause of the accusation, to be confronted with the

witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have counsel for his defense.

334. The seventh amendment provides that in suits at common law, where the value in controversy exceeds ^{Seventh} amendment. twenty dollars, the right of trial by jury shall be preserved, and that no fact tried by a jury shall be otherwise re-examined, in a court of the United States, than according to the rules of common law.

335. The eighth amendment provides that excessive ^{Eighth} amendment. bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

336. The ninth amendment states that the enumeration of certain rights in the Constitution shall not be ^{Ninth} amendment. construed to deny or disparage others retained by the people. It was feared by some that because certain rights were mentioned in the Constitution, those which were not mentioned could be denied the people. Hence, this article was inserted in the Constitution.

337. The tenth amendment declares that all powers not delegated to the United States by the Constitution, nor prohibited by it to the States, ^{Tenth} amendment. are reserved to the States or to the people.

338. The eleventh amendment was adopted in 1798. It forbids any United States Court to entertain ^{Eleventh} amendment. a suit brought against a State by citizens of another State, or of a foreign State.

339. The twelfth amendment was adopted in 1804, and relates to the election of the President and Vice-
Twelfth amendment. President. It has been discussed in Chapter XII, on page 105.

340. The thirteenth amendment was adopted in 1865. It declares that neither slavery nor involuntary
Thirteenth amendment. servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction. It gives to Congress the power to enforce the law by such legislation as may seem proper.

341. The fourteenth amendment was adopted in 1868. It consists of five sections. The first section
Fourteenth amendment. concerns the civil rights of the freedmen. The thirteenth amendment declares slavery to be abolished, but gives no rights to the negro. The fourteenth amendment says that all persons born or naturalized in the United States, and subject to their jurisdiction, are citizens of the United States and of the State in which they reside; and that no State shall make any law which shall abridge the privileges of citizens of the United States, nor deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of its laws. The second section provides that when the right to vote for National or State officers is denied to male persons twenty-one years of age and inhabitants of the State, the representation of the State shall be reduced in the proportion of those not per-

mitted to vote to the whole number of male inhabitants twenty-one years of age in the State. The third section prohibits those who, as Federal or State officers, took the oath to support the Constitution of the United States, and afterwards engaged in rebellion against the National Government, from holding certain Federal and State offices. Congress may, by a two-thirds vote, remove the disability. This has been done in the cases of almost all who engaged in the late rebellion. The fourth section declares the validity of the public debt, but forbids the United States, or any State, to assume or pay a debt incurred in rebellion, or to pay for the emancipation of slaves. The fifth section gives Congress the power to enforce the article by appropriate legislation.

342. The fifteenth amendment was adopted in 1870. It gives the negro an unqualified right to vote.

^{Fifteenth}
amendment. Although the States have a right to fix the qualifications of voters, the right of citizens to vote shall not be abridged on account of race, color, or previous condition of servitude.

REVIEW QUESTIONS.

1. What provision is made in the Constitution concerning the acts, records and judicial proceedings of the States?
2. What is said of the privileges of citizens?
3. How may a fugitive from justice who has escaped into another State be re-captured?

4. What is said of the admission of new States to the Union?

5. How many inhabitants should a Territory have before becoming a State?

6. What power has Congress over the territory of the United States?

7. How are Territories governed?

8. What important political right is denied to citizens of Territories?

9. What must the United States guarantee to every State?

10. What is the supreme law of the land?

11. What officers must take an oath to support the Constitution of the United States?

12. How are amendments to the Constitution proposed? How ratified?

13. How many amendments have been made?

14. By what name are the first ten amendments known, and why?

15. What is said in the first amendment?

16. What right does the second amendment give the people?

17. What is said in the third amendment of the quartering of soldiers?

18. Of what does the fourth amendment treat?

19. What rights are given by the fifth amendment?

20. What rights does the sixth amendment give to persons charged with crime?

21. When may a person demand a jury on a trial of a civil case?

22. What does the eighth amendment say of bail, punishment, and fines?

23. What is meant by the ninth amendment?

24. To whom do all powers not delegated to the States by the Constitution belong?

25. When was the eleventh amendment adopted?

26. What does it prohibit?

27. When and how was the method of electing the President and Vice-President changed?

28. When was the thirteenth amendment adopted?

29. What does it declare concerning slavery?

30. What does the fourteenth amendment say concerning civil rights?

31. What is the remedy when the right to vote is denied to citizens of a State?

32. What is said of those who take oath to support the Constitution and afterward engage in rebellion?

33. What prohibition is made concerning debts incurred in rebellion or by the emancipation of slaves?

34. When was the fifteenth amendment adopted?

35. Give its provisions.

APPENDIX.

CONSTITUTION OF KENTUCKY.

PREAMBLE.

We, the representatives of the people of the State of Kentucky, in convention assembled, to secure to all the citizens thereof the enjoyment of the rights of life, liberty, and property, and of pursuing happiness, do ordain and establish this Constitution for its government.

ARTICLE I.

CONCERNING THE DISTRIBUTION OF THE POWERS OF GOVERNMENT.

SECTION 1. The powers of the government of the State of Kentucky shall be divided into three distinct departments, and each of them be confided to a separate body of magistracy, to-wit: Those which are legislative, to one; those which are executive, to another; and those which are judiciary, to another.

SEC. 2. No person, or collection of persons, being of one of those departments, shall exercise any power properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted.

ARTICLE II.

CONCERNING THE LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative power shall be vested in a House of Representatives and Senate, which, together, shall be styled the General Assembly of the Commonwealth of Kentucky.

SEC. 2. The members of the House of Representatives shall continue in service for the term of two years from the day of the general election, and no longer.

SEC. 3. Representatives shall be chosen on the first Monday in August in every second year; and the mode of holding the elections shall be regulated by law.

SEC. 4. No person shall be a Representative who, at the time of his election, is not a citizen of the United States, has not attained the age of twenty-four years, and who has not resided in this State two years next preceding his election, and the last year thereof in the county, town, or city for which he may be chosen.

SEC. 5. The General Assembly shall divide each county of this Commonwealth into convenient election precincts, or may delegate power to do so to such county authorities as may be designated by law; and elections for Representatives for the several counties shall be held at the places of holding their respective Courts, and in the several election precincts into which the counties may be divided: *Provided*, That when it shall appear to the General Assembly that any city or town hath a number of qualified voters equal to the ratio then fixed, such city or town shall be invested with the privilege of a separate representation, in either or both Houses of the General Assembly, which shall be retained so long as such city or town shall contain a number of qualified voters equal to the ratio which may, from time to time, be fixed by law; and thereafter elections for the county in which such city or town is situated shall not be held therein; but such city or town shall not be entitled to a separate representation unless such county, after the separation, shall also be entitled to one or more Representatives. That whenever a

city or town shall be entitled to a separate representation in either House of the General Assembly, and by its numbers shall be entitled to more than one Representative, such city or town shall be divided, by squares which are contiguous, so as to make the most compact form, into Representative districts, as nearly equal as may be, equal to the number of Representatives to which such city or town may be entitled; and one Representative shall be elected from each district. In like manner shall said city or town be divided into Senatorial Districts, when, by the apportionment, more than one Senator shall be allotted to said city or town; and a Senator shall be elected from each Senatorial district; but no ward or municipal division shall be divided by such division of Senatorial or Representative districts, unless it be necessary to equalize the elective, Senatorial or Representative districts.

SEC. 6. Representation shall be equal and uniform in this Commonwealth, and shall be forever regulated and ascertained by the number of qualified voters therein. In the year 1850, again in the year 1857, and every eighth year thereafter, an enumeration of all the qualified voters of the State shall be made; and to secure uniformity and equality of representation, the State is hereby laid off into ten districts. The first district shall be composed of the counties of Fulton, Hickman, Ballard, McCracken, Graves, Galloway, Marshall, Livingston, Crittenden, Union, Hopkins, Caldwell, and Trigg. The second district shall be composed of the counties of Christian, Muhlenburg, Henderson, Daviess, Hancock, Ohio, Breckinridge, Meade, Grayson, Butler, and Edmonson. The third district shall be composed of the counties of Todd, Logan, Simpson, Warren Allen, Monroe, Barren, and Hart. The fourth district shall be composed of the counties of Cumberland, Adair, Green, Taylor, Clinton, Russell, Wayne, Pulaski, Casey, Boyle, and Lincoln. The fifth district shall be composed of the counties of Hardin, Larue, Bullitt, Spencer, Nelson, Washington, Marion, Mercer, and Anderson. The sixth district shall be composed of the counties of Garrard,

Madison, Estill, Owsley, Rockcastle, Laurel, Clay, Whitley, Knox, Harlan, Perry, Letcher, Pike, Floyd, and Johnson. The seventh district shall be composed of the counties of Jefferson, Oldham, Trimble, Carroll, Henry, and Shelby, and the city of Louisville. The eighth district shall be composed of the counties of Bourbon, Fayette, Scott, Owen, Franklin, Woodford, and Jessamine. The ninth district shall be composed of the counties of Clark, Bath, Montgomery, Fleming, Lewis, Greenup, Carter, Lawrence, Morgan, and Breathitt. The tenth district shall be composed of the counties of Mason, Bracken, Nicholas, Harrison, Pendleton, Campbell, Grant, Kenton, Boone, and Gallatin. The number of Representatives shall, at the several sessions of the General Assembly next after the making of the enumerations, be apportioned among the ten several districts according to the number of qualified voters in each; and the Representatives shall be apportioned, as near as may be, among the counties, towns, and cities in each district; and in making such apportionment the following rules shall govern, to-wit: Every county, town, or city having the ratio, shall have one Representative; if double the ratio, two Representatives, and so on. Next, the counties, towns, or cities having one or more Representatives, and the largest number of qualified voters above the ratio, and counties having the largest number under the ratio shall have a Representative, regard being always had to the greatest number of qualified voters: *Provided*, That when a county may not have a sufficient number of qualified voters to entitle it to one Representative, then such county may be joined to some adjacent county or counties, which counties shall send one Representative. When a new county shall be formed of territory belonging to more than one district, it shall form a part of that district having the least number of qualified voters.

SEC. 7. The House of Representatives shall choose its Speaker and other officers.

SEC. 8. Every free white male citizen, of the age of twenty-one years, who has resided in the State two years, or in the

county, town, or city in which he offers to vote, one year next preceding the election, shall be a voter; but such voter shall have been, for sixty days next preceding the election, a resident of the precinct in which he offers to vote, and he shall vote in said precinct, and not elsewhere.

SEC. 9. Voters, in all cases except treason, felony, breach or surety of the peace, shall be privileged from arrest during their attendance at, going to, and returning from elections.

SEC. 10. Senators shall be chosen for the term of four years; and the Senate shall have power to choose its officers biennially.

SEC. 11. Senators and Representatives shall be elected, under the first apportionment after the adoption of this Constitution, in the year 1851.

SEC. 12. At the session of the General Assembly next after the first apportionment under this Constitution, the Senators shall be divided by lot, as equally as may be, into two classes; the seats of the first class shall be vacated at the end of two years from the day of the election, and those of the second class at the end of four years, so that one-half shall be chosen every two years.

SEC. 13. The number of Representatives shall be one hundred, and the number of Senators thirty-eight.

SEC. 14. At every apportionment of representation, the State shall be laid off into thirty-eight Senatorial districts, which shall be so formed as to contain, as near as may be, an equal number of qualified voters, and so that no county shall be divided in the formation of a Senatorial district, except such county shall be entitled, under the enumeration, to two or more Senators; and where two or more counties compose a district, they shall be adjoining.

SEC. 15. One Senator for each district shall be elected by the qualified voters therein, who shall vote in the precincts where they reside, at the places where elections are, by law, directed to be held.

SEC. 16. No person shall be a Senator who, at the time of his

election, is not a citizen of the United States, has not attained the age of thirty years, and who has not resided in this State six years next preceding his election, and the last year thereof in the district for which he may be chosen.

SEC. 17. The election of Senators next after the first apportionment under this Constitution, shall be general throughout the State, and at the same time that the election for Representatives is held; and thereafter, there shall be a biennial election for Senators to fill the places of those whose term of service may have expired.

SEC. 18. The General Assembly shall convene on the first Monday in November after the adoption of the Constitution, and again on the first Monday in November, 1851, and on the same day of every second year thereafter, unless a different day be appointed by law; and their sessions shall be held at the Seat of Government.

SEC. 19. Not less than a majority of the members of each House of the General Assembly shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and shall be authorized by law to compel the attendance of absent members in such manner and under such penalties, as may be prescribed thereby.

SEC. 20. Each House of the General Assembly shall judge of the qualifications, elections, and returns of its members, but a contested election shall be determined in such manner as shall be directed by law.

SEC. 21. Each House of the General Assembly may determine the rules of its proceedings, punish a member for disorderly behavior, and, with the concurrence of two-thirds, expel a member, but not a second time for the same cause.

SEC. 22. Each House of the General Assembly shall keep and publish, weekly, a journal of its proceedings, and the yeas and nays of the members on any question shall, at the desire of any two of them, be entered on their journal.

SEC. 23. Neither House, during the session of the General Assembly, shall, without the consent of the other, adjourn for

more than three days, nor to any other place than that to which they may be sitting.

SEC. 24. The members of the General Assembly shall severally receive, from the public treasury, a compensation for their services, which shall be three dollars a day, during their attendance on, and twelve and a half cents per mile for the necessary travel in going to and returning from the sessions of their respective Houses: *Provided*, That the same may be increased or diminished by law; but no alteration shall take effect during the session at which such alteration shall be made; nor shall a session of the General Assembly continue beyond sixty days, except by a vote of two-thirds of all the members elected to each House; (a) but this shall not apply to the first session held under this Constitution.

SEC. 25. The members of the General Assembly shall, in all cases, except treason, felony, breach or surety of the peace, be privileged from arrest, during their attendance at the sessions of their respective Houses, and in going to and returning from the same; (a) and for any speech or debate, in either House, they shall not be questioned in any other place.

SEC. 26. No Senator or Representative shall, during the term for which he was elected, nor for one year thereafter, be appointed or elected to any civil office of profit under this Commonwealth which shall have been created, or the emoluments of which shall have been increased during the said term, except to such offices or appointments as may be filled by the election of the people.

SEC. 27. No person, while he continues to exercise the functions of a clergyman, priest, or teacher of any religious persuasion, society, or sect, nor while he holds or exercises any office of profit under this Commonwealth, or under the Government of the United States, shall be eligible to the General Assembly, except attorneys at law, justices of the peace, and militia officers: *Provided*, That attorneys for the Commonwealth, who receive a fixed annual salary, shall be ineligible.

SEC. 28. No person who at any time may have been a collector of taxes or public moneys for the State, or the assistant or deputy of such collector, shall be eligible to the General Assembly unless he shall have obtained a *quietus* six months before the election, for the amount of such collection, and for all public moneys for which he may have been responsible.

SEC. 29. No bill shall have the force of a law, until, on three several days, it be read over in each House of the General Assembly, and free discussion allowed thereon; unless, in cases of urgency, four-fifths of the House where the bill shall be depending may deem it expedient to dispense with this rule.

SEC. 30. All bills for raising revenue (*a*) shall originate in the House of Representatives; but the Senate may propose amendments, as in other bills: *Provided*, That they shall not introduce any new matter, under color of amendment, which does not relate to raising revenue.

SEC. 31. The General Assembly shall regulate, by law, by whom, and in what manner, writs of election shall be issued to fill the vacancies which may happen in either branch thereof.

SEC. 32. The General Assembly shall have no power to grant divorces, change the names of individuals, or direct the sale of estates belonging to infants, or other persons laboring under legal disabilities, by special legislation; but by general laws shall confer such powers on the Courts of Justice.

SEC. 33. The credit of this Commonwealth shall never be given or loaned in aid of any person, association, municipality, or corporation.

SEC. 34. The General Assembly shall have no power to pass laws to diminish the resources of the sinking fund, as now established by law, until the debt of the State be paid, but may pass laws to increase them; and the whole resources of said fund, from year to year, shall be sacredly set apart and applied to the payment of the interest and principal of the State debt, and to no other use or purpose, until the whole debt of the State is fully paid and satisfied.

SEC. 35. The General Assembly may contract debts to meet casual deficits or failures in the revenue, but such debts, direct or contingent, singly or in the aggregate, shall not, at any time, exceed five hundred thousand dollars; and the moneys arising from loans creating such debts shall be applied to the purposes for which they were obtained, or to repay such debts; *Provided*, That the State may contract debts to repel invasion, suppress insurrection, or, if hostilities are threatened, provide for the public defense.

SEC. 36. No act of the General Assembly shall authorize any debt to be contracted on behalf of the Commonwealth, except for the purposes mentioned in the thirty-fifth section of this article, unless provision be made therein to lay and collect an annual tax sufficient to pay the interest stipulated, and to discharge the debt within thirty years; nor shall such act take effect until it shall have been submitted to the people at a general election, and shall have received a majority of all the votes cast for and against it: *Provided*, That the General Assembly may contract debts by borrowing money to pay any part of the debt of the State without submission to the people, and without making provision in the act authorizing the same for a tax to discharge the debt so contracted, or the interest thereon.

SEC. 37. No law enacted by the General Assembly shall relate to more than one subject, and that shall be expressed in the title.

SEC. 38. The General Assembly shall not change the venue in any criminal or penal prosecution, but shall provide for the same by general laws.

SEC. 39. The General Assembly may pass laws authorizing writs of error in criminal or penal cases, and regulating the right of challenge of jurors therein.

SEC. 40. The General Assembly shall have no power to pass any act or resolution for the appropriation of any money, or the creation of any debt, exceeding the sum of one hundred dollars, at any one time, unless the same, on its final passage, shall be

voted for by a majority of all the members then elected to each branch of the General Assembly; and the yeas and nays thereon entered on the journal.

ARTICLE III.

CONCERNING THE EXECUTIVE DEPARTMENT.

SECTION 1. The supreme executive power of the Commonwealth shall be vested in a chief magistrate, who shall be styled the Governor of the Commonwealth of Kentucky.

SEC. 2. The Governor shall be elected for the term of four years, by the qualified voters of the State, at the time when and the places where they shall respectively vote for Representatives. The person having the highest number of votes shall be Governor; but if two or more shall be equal and highest in votes, the election shall be determined by lot, in such manner as the General Assembly may direct.

SEC. 3. The Governor shall be ineligible for the succeeding four years after the expiration of the term for which he shall have been elected.

SEC. 4. He shall be at least thirty-five years of age and a citizen of the United States, and have been an inhabitant of this State at least six years next preceding his election.

SEC. 5. He shall commence the execution of the duties of his office on the fifth Tuesday succeeding the day of the general election on which he shall have been chosen, and shall continue in the execution thereof until his successor shall have taken the oaths or affirmations prescribed by this Constitution.

SEC. 6. No member of Congress, or person holding any office under the United States, or minister of any religious society, shall be eligible to the office of Governor.

SEC. 7. The Governor shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the term for which he was elected.

SEC. 8. He shall be commander-in-chief of the army and navy of this Commonwealth and of the militia thereof, except when

they shall be called into the service of the United States, but he shall not command personally in the field unless advised so to do by a resolution of the General Assembly.

SEC. 9. He shall have power to fill vacancies that may occur by granting commissions, which shall expire when such vacancies shall have been filled according to the provisions of this Constitution.

SEC. 10. He shall have power to remit fines and forfeitures, grant reprieves and pardons, except in cases of impeachment. In cases of treason, he shall have power to grant reprieves until the end of the next session of the General Assembly, in which the power of pardoning shall be vested; but he shall have no power to remit the fees of the clerk, sheriff, or Commonwealth's attorney in penal or criminal cases.

SEC. 11. He may require information in writing, from the officers in the executive department upon any subject relating to the duties of their respective officers.

SEC. 12. He shall, from time to time, give to the General Assembly information of the state of the Commonwealth, and recommend to their consideration such measures as he may deem expedient.

SEC. 13. He may, on extraordinary occasions, convene the General Assembly at the Seat of Government, or at a different place if that should have become, since their last adjournment, dangerous, from an enemy or from contagious disorders; and in case of disagreement between the two Houses with respect to the time of adjournment, he may adjourn them to such time as he shall think proper, not exceeding four months.

SEC. 14. He shall take care that the laws be faithfully executed.

SEC. 15. A Lieutenant-Governor shall be chosen at every regular election for Governor, in the same manner, to continue in office for the same time, and possess the same qualifications as the Governor. In voting for Governor and Lieutenant Governor,

the electors shall state for whom they vote as Governor, and for whom they vote as Lieutenant-Governor.

SEC. 16. He shall, by virtue of his office, be Speaker of the Senate; have a right, when in the committee of the whole, to debate and vote on all subjects, and when the Senate are equally divided, to give the casting vote.

SEC. 17. Should the Governor be impeached, removed from office, die, refuse to qualify, resign, or be absent from the State, the Lieutenant-Governor shall exercise all the power and authority appertaining to the office of Governor, until another be duly elected and qualified, or the Governor absent or impeached shall return or be acquitted.

SEC. 18. Whenever the Government shall be administered by the Lieutenant-Governor, or he shall fail to attend as Speaker of the Senate, the Senators shall elect one of their own members as Speaker for that occasion. And if, during the vacancy of the office of Governor, the Lieutenant-Governor shall be impeached, removed from office, refuse to qualify, resign, die, or be absent from the State, the Speaker of the Senate shall, in like manner, administer the Government: *Provided*, That whenever a vacancy shall occur in the office of Governor before the first two years of his term shall have expired, a new election for Governor shall take place to fill such vacancy.

SEC. 19. The Lieutenant-Governor, or Speaker *pro tempore* of the Senate, while he acts as Speaker of the Senate, shall receive for his services the same compensation which shall, for the same period, be allowed the Speaker of the House of Representatives, and no more; and during the time he administers the Government as Governor, shall receive the same compensation which the Governor would have received, had he been employed in the duties of his office.

SEC. 20. If the Lieutenant-Governor shall be called upon to administer the Government, and shall while in such administration, resign, die, or be absent from the State during the recess of the General Assembly, it shall be the duty of the Secretary of

State, for the time being, to convene the Senate for the purpose of choosing a Speaker.

SEC. 21. The Governor shall nominate, and, by and with the advice and consent of the Senate, appoint a Secretary of State, who shall be commissioned during the term for which the Governor was elected; if he shall so long behave himself well. He shall keep a fair register, and attest all the official acts of the Governor, and shall when required, lay the same, and all paper minutes, and vouchers relative thereto, before either House the General Assembly, and shall perform such other duties as may be required of him by law.

SEC. 22. Every bill which shall have passed both Houses shall be presented to the Governor. If he approve he shall sign it; but if not, he shall return it, with his objections, to the House in which it originated, who shall enter the objections at large upon their journal, and proceed to reconsider it. If, after such reconsideration, a majority of all the members elected to that House shall agree to pass the bill, it shall be sent, with the objections, to the other House, by which it shall likewise be considered, and if approved by a majority of all the members elected to that House, it shall be a law; but, in such cases, the votes of both Houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered upon the journals of each House respectively. If any bill shall not be returned by the Governor within ten days (Sundays excepted) after it shall have been presented to him, it shall be a law in like manner as if he had signed it, unless the General Assembly, by their adjournment, prevent its return; in which case it shall be a law unless sent back within three days after their next meeting.

SEC. 23. Every order, resolution, or vote, in which the concurrence of both Houses may be necessary, except on a question of adjournment, shall be presented to the Governor, and before it shall take effect, be approved by him; or, being disapproved, shall be repassed by a majority of all the members elected to

both Houses, according to the rules and limitations prescribed in case of a bill.

SEC. 24. Contested elections for Governor and Lieutenant-Governor shall be determined by both Houses of the General Assembly, according to such regulations as may be established by law.

SEC. 25. A Treasurer shall be elected by the qualified voters of the State for the term of two years; and an Auditor of Public Accounts, Register of the Land Office, and Attorney General, for the term of four years. The duties and responsibilities of these officers shall be prescribed by law: *Provided*, That inferior State officers, not specially provided for in this Constitution, may be appointed or elected in such manner as shall be prescribed by law, for a term not exceeding four years.

SEC. 26. The first election under this Constitution for Governor, Lieutenant-Governor, Treasurer, Auditor of Public Accounts, Register of the Land Office, and Attorney General, shall be held on the first Monday in August in the year 1851.

ARTICLE IV.

CONCERNING THE JUDICIAL DEPARTMENT.

SECTION 1. The judicial powers of this Commonwealth, both as to matters of law and equity, shall be vested in one Supreme Court (to be styled the Court of Appeals), the courts established by this Constitution, and such courts inferior to the Supreme Court, as the General Assembly may, from time to time, erect and establish.

CONCERNING THE COURT OF APPEALS.

SEC. 2. The Court of Appeals shall have appellate jurisdiction only, which shall be co-extensive with the State, under such restrictions and regulations, not repugnant to this Constitution, as may, from time to time, be prescribed by law.

SEC. 3. The judges of the Court of Appeals shall, after their first term, hold their offices for eight years from and after their

election, and until their successors shall be duly qualified, subject to the conditions hereinafter prescribed; but, for any reasonable cause, the Governor shall remove any of them on the address of two-thirds of each House of the General Assembly: *Provided, however,* That the cause or causes for which such removal may be required shall be stated at length in such address, and on the journal of each House. They shall, at stated times, receive for their services an adequate compensation, to be fixed by law, which shall not be diminished during the time for which they shall have been elected.

SEC. 4. The Court of Appeals shall consist of four Judges, any three of whom may constitute a court for the transaction of business. The General Assembly, at its first session after the adoption of this Constitution, shall divide the State, by counties, in four districts, as nearly equal in voting population and with as convenient limits as may be, in each of which the qualified voters shall elect one Judge of the Court of Appeals: *Provided,* That whenever a vacancy shall occur in said Court for any cause, the General Assembly shall have the power to reduce the number of Judges and districts, but in no event shall there be less than three Judges and districts. Should a change in the number of the Judges of the Court of Appeals be made, the term of office and number of districts shall be so changed as to preserve the principle of electing one Judge every two years.

SEC. 5. The Judges shall, by virtue of their offices, be conservators of the peace throughout the State. The style of all process shall be "The Commonwealth of Kentucky." All prosecutions shall be carried on in the name and by the authority of the Commonwealth of Kentucky, and conclude "against the peace and dignity of the same."

SEC. 6. The Judges first elected shall serve as follows, to-wit: One shall serve until the first Monday in August, 1852; one until the first Monday in August, 1854; one until the first Monday in August, 1856, and one until the first Monday in August, 1858. The Judges, at the first term of the Court succeeding their elec-

tion, shall determine, by lot, the length of time which each one shall serve, and at the expiration of the service of each an election in the proper district shall take place to fill the vacancy. The Judge having the shortest time to serve shall be styled the Chief Justice of Kentucky.

SEC. 7. If a vacancy shall occur in said Court from any cause, the Governor shall issue a writ of election to the proper district to fill such vacancy for the residue of the term: *Provided*, That if the unexpired term be less than one year, the Governor shall appoint a Judge to fill such vacancy.

SEC. 8. No person shall be eligible to the office of Judge of the Court of Appeals who is not a citizen of the United States, a resident of the district for which he may be a candidate two years next preceding his election, at least thirty years of age, and who has not been a practicing lawyer eight years, or whose service upon the bench of any Court of record, when added to the time he may have practiced law, shall not be equal to eight years.

SEC. 9. The Court of Appeals shall hold its sessions at the Seat of Government, unless otherwise directed by law, but the General Assembly may, from time to time, direct that said Court shall hold its sessions in any one or more of said districts.

SEC. 10. The first election of the Judges and Clerk or Clerks of the Court of Appeals shall take place on the second Monday in May, 1851, and, thereafter, in each district as a vacancy may occur, by the expiration of the term of office; and the Judges of the said Court shall be commissioned by the Governor.

SEC. 11. There shall be elected, by the qualified voters of this State, a Clerk of the Court of Appeals, who shall hold his office from the first election until the first Monday in August, 1858, and thereafter for the term of eight years from and after his election; and should the General Assembly provide for holding the Court of Appeals in any one or more of said districts, they shall also provide for the election of a Clerk by the qualified voters of such district, who shall hold his office for

eight years, possess the same qualifications, and be subject to removal in the same manner as the Clerk of the Court of Appeals; but if the General Assembly shall, at its first or any other session, direct the Court of Appeals to hold its session in more than one district, a Clerk shall be elected by the qualified voters of such district. And the Clerk first provided for in this section shall be elected by the qualified voters of the other district or districts. The same principle shall be observed whenever the Court shall be directed to hold its sessions in either of the other districts. Should the number of Judges be reduced, the term of the office of Clerk shall be six years.

SEC. 12. No person shall be eligible to the office of Clerk of the Court of Appeals unless he be a citizen of the United States, a resident of the State two years next preceding his election, of the age of twenty-one years, and have a certificate from the Judge of the Court of Appeals, or a Judge of the Circuit Court, that he has been examined by the Clerk of his Court, under his supervision, and that he is qualified for the office for which he is a candidate.

SEC. 13. Should a vacancy occur in the office of Clerk of the Court of Appeals, the Governor shall issue a writ of election, and the qualified voters of the State, or of the district in which the vacancy may occur, shall elect a Clerk of the Court of Appeals, to serve until the end of the term for which such Clerk was elected: *Provided*, That when a vacancy shall occur from any cause, or the Clerk be under charges upon information, the Judges of the Court of Appeals shall have power to appoint a Clerk *pro tem.*, to perform the duties of Clerk until such vacancy shall be filled, or the Clerk acquitted: *And provided further*, That no writ of election shall issue to fill a vacancy unless the unexpired term exceed one year.

SEC. 14. The General Assembly shall direct, by law, the mode and manner of conducting and making due returns to the Secretary of State of all elections of the Judges and Clerk or Clerks

of the Court of Appeals, and of determining contested elections of any of these officers.

SEC. 15. The General Assembly shall provide for an additional Judge or Judges, to constitute with the remaining Judge or Judges, a special Court for the trial of such cause or causes as may, at any time be pending in the Court of Appeals, on the trial of which a majority of the Judges can not sit, on account of interest in the event of the cause, or on account of their relationship to either party, or when a Judge may have been employed in or decided the cause in the inferior Court.

CONCERNING THE CIRCUIT COURTS.

SEC. 16. A Circuit Court shall be established in each county now existing, or which may hereafter be erected in this Commonwealth.

SEC. 17. The Jurisdiction of said Court shall be and remain as now established, hereby giving to the General Assembly the power to change or alter it.

SEC. 18. The right to appeal or sue out a writ of error to the Court of Appeals shall remain as it now exists, until altered by law, hereby giving to the General Assembly the power to change, alter or modify said right.

SEC. 19. At the first session after the adoption of this Constitution, the General Assembly shall divide the State into twelve judicial districts, having due regard to business, territory, and population: *Provided*, That no county shall be divided.

SEC. 20. They shall, at the same time that the judicial districts are laid off, direct elections to be held in each district to elect a Judge for such district, and shall prescribe in what manner the election shall be conducted. The first election of Judges of the Circuit Court shall take place on the second Monday in May, 1851, and afterwards on the first Monday in August, 1856, and on the first Monday in August every sixth year thereafter.

SEC. 21. All persons qualified to vote for members of the General Assembly in each district, shall have the right to vote for Judges.

SEC. 22. No person shall be eligible as Judge of the Circuit Court who is not a citizen of the United States, a resident of the district for which he may be a candidate two years next preceding his election, at least thirty years of age, and who has not been a practicing lawyer eight years, or whose service upon the bench of any Court of record, when added to the time he may have practiced law, shall not be equal to eight years.

SEC. 23. The Judges of the Circuit Court shall, after their first term, hold their office for the term of six years from the day of their election. They shall be commissioned by the Governor and continue in office until their successors be qualified, but shall be removable from office in the same manner as the Judges of the Court of Appeals, and the removal of a Judge from his district shall vacate his office.

SEC. 24. The General Assembly, if they deem it necessary, may establish one additional district every four years, but the judicial districts shall not exceed sixteen until the population of this State shall exceed one million five hundred thousand.

SEC. 25. The Judges of the Circuit Courts shall, at stated times, receive for their services an adequate compensation, to be fixed by law, which shall be equal and uniform throughout the State, and which shall not be diminished during the time for which they were elected.

SEC. 26. If a vacancy shall occur in the office of Judge of the Circuit Court, the Governor shall issue a writ of election to fill such vacancy for the residue of the term: *Provided*, That if the unexpired term be less than one year, the Governor shall appoint a Judge to fill such vacancy.

SEC. 27. The judicial districts of this State shall not be changed, except at the first session after an enumeration, unless when a new district may be established.

SEC. 28. The General Assembly shall provide by law for holding Circuit Courts when, from any cause, the Judge shall fail to attend, or if in attendance, can not properly preside.

CONCERNING COUNTY COURTS.

SEC. 29. A County Court shall be established in each county now existing or which may hereafter be erected within this Commonwealth, to consist of a Presiding Judge and two Associate Judges, any two of whom shall constitute a Court for the transaction of business: *Provided*, The General Assembly may, at any time, abolish the office of the Associate Judges whenever it shall be deemed expedient; in which event they may associate with said Court any or all of the Justices of the Peace for the transaction of business.

SEC. 30. The Judges of the County Courts shall be elected by the qualified voters in each county, for the term of four years, and shall continue in office until their successors be duly qualified, and shall receive such compensation for their services as may be provided by law.

SEC. 31. The first election of County Court Judges shall take place at the same time of the election of Judges of the Circuit Court. The Presiding Judge first elected shall hold his office until the first Monday in August, 1854; the Associate Judges shall hold their offices until the first Monday in August, 1852, and until their successors be qualified; and afterwards, elections shall be held on the first Mondays in August in the years in which vacancies regularly occur.

SEC. 32. No person shall be eligible to the office of Presiding or Associate Judge of the County Court, unless he be a citizen of the United States, over twenty-one years of age, and shall have been a resident of the county in which he shall be chosen one year and next preceding the election.

SEC. 33. The jurisdiction of the County Court shall be regulated by law, and, until changed, shall be the same now vested in the County Courts of this State.

SEC. 34. Each county in this State shall be laid off in districts of convenient size as the General Assembly may, from time to time direct. Two Justices of the Peace shall be elected in each district by the qualified voters therein, at such time and place

as may be prescribed by law, for the term of four years, whose jurisdiction shall be co-extensive with the county; no person shall be eligible as a Justice of the Peace unless he be a citizen of the United States, twenty-one years of age, and a resident of the district in which he may be a candidate.

SEC. 35. Judges of the County Court, and Justices of the Peace, shall be conservators of the peace. They shall be commissioned by the Governor. County and district officers shall vacate their offices by removal from the district or county in which they shall be appointed. The General Assembly shall provide, by law, the manner of conducting and making due return of all elections of Judges of the County Court and Justices of the Peace, and for determining contested elections, and provide the mode of filling vacancies in these offices.

SEC. 36. Judges of the County Court and Justices of the Peace, Sheriffs, Coroners, Surveyors, Jailers, County Assessor, Attorney for the county, and Constables shall be subject to indictment or presentment for malfeasance or misfeasance in office, or willful neglect in the discharge of their official duties, in such mode as may be prescribed by law, subject to appeal to the Court of Appeals; and, upon conviction their offices shall become vacant.

SEC. 37. The General Assembly may provide, by law, that the Justices of the Peace in each county shall sit at the Court of Claims, and assist in laying the county levy and making appropriations only.

SEC. 38. When any city or town shall have a separate representation, such city, or town, and the county in which it is located, may have such separate municipal courts and executive and ministerial officers as the General Assembly may, from time to time provide.

SEC. 39. The Clerks of the Court of Appeals, Circuit and County Courts, shall be removable from office by the Court of Appeals, upon information and good cause shown. The Court

shall be judges of the fact as well as of the law. Two-thirds of the members present must concur in the sentence.

SEC. 40. The Louisville Chancery Court shall exist under this Constitution, subject to repeal, and its jurisdiction to enlargement and modification by the General Assembly. The Chancellor shall have the same qualifications as a Circuit Court Judge, and the Clerk of said Court as a Clerk of a Circuit Court, and the Marshal of said Court as a Sheriff; and the General Assembly shall provide for the election, by the qualified voters within its jurisdiction, of the Chancellor, Clerk, and Marshal of said Court, at the same time that the Judge and Clerk of the Circuit Court are elected for the county of Jefferson; and they shall hold their offices for the same time, and shall be removable in the same manner; *Provided*, That the Marshal of said Court shall be ineligible for the succeeding term.

SEC. 41. The City Court of Louisville, the Lexington City Court, and all other Police Courts established in any city or town, shall remain until otherwise directed by law, with their present powers and jurisdictions; and the Judges, Clerks and Marshals of such Courts shall have the same qualifications, and shall be elected by the qualified voters of such cities or towns, at the same time, and in the same manner, and hold their offices for the same term, as county Judges, Clerks, and Sheriffs, respectively, and shall be liable to removal in the same manner. The General Assembly may vest judicial powers, for police purposes, in Mayors of cities, Police Judges, and Trustees of Towns.

ARTICLE V.

CONCERNING IMPEACHMENTS.

SECTION 1. The House of Representatives shall have the sole power of impeachment.

SEC. 2. All impeachments shall be tried by the Senate. When sitting for that purpose, the Senators shall be upon oath or affirmation. No person shall be convicted without the concurrence of two-thirds of the members present.

SEC. 3. The Governor and all civil officers shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall not extend further than to removal from office and disqualification to hold any office of honor, trust, or profit under this Commonwealth; but the party convicted shall nevertheless be subject and liable to indictment, trial, and punishment by law.

ARTICLE VI.

CONCERNING EXECUTIVE AND MINISTERIAL OFFICERS FOR COUNTIES AND DISTRICTS

SECTION 1. A Commonwealth's Attorney for each judicial district, and a Circuit Court Clerk for each county, shall be elected, whose term of office shall be the same as that of the Circuit Judges; also a County Court Clerk, an Attorney, Surveyor, Coroner and Jailer for each county, whose term of office shall be the same as that of the presiding Judge of the County Court.

SEC. 2. No person shall be eligible to the offices mentioned in this article who is not at the time twenty-four years old (except Clerks of County and Circuit Courts, Sheriffs, Constables and County Attorneys who shall be eligible at the age of twenty-one years), a citizen of the United States, and who has not resided two years next preceding the election in the State, and one year in the county or district from which he is a candidate. No person shall be eligible to the office of Commonwealth's or County Attorney unless he shall have been a licensed practicing attorney for two years. No person shall be eligible to the office of Clerk unless he shall have procured from a Judge of the Court of Appeals, or a Judge of the Circuit Court, a certificate that he has been examined by the Clerk of the Court, under his supervision, and that he is qualified for the office for which he is a candidate.

SEC. 3. The Commonwealth's Attorney and Circuit Court Clerks shall be elected at the same time as the Circuit Judges—the Commonwealth's Attorney by the qualified voters of the dis-

trict, the Circuit Court Clerk by the qualified voters of the county. The County Attorney, Clerk, Surveyor, Coroner and Jailer shall be elected at the same time and in the same manner as the presiding Judge of the County Court.

SEC. 4. A Sheriff shall be elected in each county by the qualified voters thereof, whose term of office shall, after the first term, be two years, and until his successor be qualified; and he shall be re-eligible for a second term; but no Sheriff shall, after the expiration of the second term, be re-eligible or act as deputy for the succeeding term. The first election of Sheriffs shall be on the second Monday in May, 1851; and the Sheriffs then elected shall hold their offices until the first Monday in January, 1853, and until their successors be qualified; and on the first Monday in August, 1853, and on the first Monday of August in every second year thereafter, elections for Sheriff shall be held: *Provided*, That the Sheriffs first elected shall enter upon the duties of their respective offices on the first Monday in June, 1851, and after the first election on the first Monday in January next succeeding their election.

SEC. 5. A Constable shall be elected in every Justice's district, who shall be chosen for two years, at such time and place as may be provided by law, whose jurisdiction shall be co-extensive with the county in which he may reside.

SEC. 6. Officers for towns and cities shall be elected for such term and in such manner, and with such qualifications, as may be prescribed by law.

SEC. 7. Vacancies in offices under this article shall be filled until the next regular election, in such manner as the General Assembly may provide.

SEC. 8. When a new county shall be erected, officers for the same, to serve until the next stated election, shall be elected or appointed in such way and at such times as the General Assembly may prescribe.

SEC. 9. Clerks, Sheriffs, Surveyors, Coroners, Constables, and such other officers as the General Assembly may, from time to

time, require, shall, before they enter upon the duties of their respective offices, and as often thereafter as may be deemed proper, give such bond and security as shall be prescribed by law.

SEC. 10. The General Assembly may provide for the election or appointment, for a term not exceeding four years, of such other county or district ministerial and executive officers as shall, from time to time, be necessary and proper.

SEC. 11. A County Assessor shall be elected in each county at the same time, and for the same term, that the presiding Judge of the County Court is elected, until otherwise provided for by law. He shall have power to appoint such assistants as may be necessary and proper.

ARTICLE VII.

CONCERNING THE MILITIA.

SECTION 1. The Militia of this Commonwealth shall consist of all free, able-bodied male persons (negroes, mulattoes, and Indians excepted), resident in the same, between the age of eighteen and forty-five years, except such persons as now are, or hereafter may be, exempted by the laws of the United States or of this State; but those who belong to religious societies, whose tenets forbid them to carry arms, shall not be compelled to do so, but shall pay an equivalent for personal service.

SEC. 2. The Governor shall appoint the Adjutant-General and his other staff officers; the Major-Generals, Brigadier-Generals, and Commandants of Regiments shall, respectively, appoint their staff officers; and Commandants of companies shall appoint their non-commissioned officers.

SEC. 3. All militia officers, whose appointment is not herein otherwise provided for, shall be elected by persons subject to military duty within their respective companies, battalions, regiments, brigades, and divisions, under such rules and regulations, and for such terms, not exceeding six years, as the General Assembly may, from time to time, direct and establish.

ARTICLE VIII.

GENERAL PROVISIONS.

SECTION 1. Members of the General Assembly and all officers, before they enter upon the execution of the duties of their respective offices, and all members of the bar, before they enter upon the practice of their profession, shall take the following oath or affirmation: I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of this State, and be faithful and true to the Commonwealth of Kentucky so long as I continue a citizen thereof, and I will faithfully execute, to the best of my abilities, the office of according to law; and I do further solemnly swear (or affirm) that since the adoption of the present Constitution I, being a citizen of this State, have not fought a duel with deadly weapons within this State, nor out of it, with a citizen of this State; nor have I sent or accepted a challenge to fight a duel with deadly weapons with a citizen of this State; nor have I acted as second in carrying a challenge, or aided or assisted any person thus offending, so help me God.

SEC. 2. Treason against the Commonwealth shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or his own confession in open Court.

SEC. 3. Every person shall be disqualified from holding any office of trust or profit for the term for which he shall have been elected, who shall be convicted of having given or offered any bribe or threat to procure his election.

SEC. 4. Laws shall be made to exclude from office and from suffrage those who shall thereafter be convicted of bribery, perjury, forgery, or other crimes or high misdemeanors. The privilege of free suffrage shall be supported by laws regulating elections and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult or other improper practices.

SEC. 5. No money shall be drawn from the Treasury but in pursuance of appropriations made by law; nor shall any appropriations of money for the support of an army be made for a longer time than two years; and a regular statement and account of the receipts and expenditures of all public money shall be published annually.

SEC. 6. The General Assembly may direct, by law, in such manner and in what Courts, suits may be brought against the Commonwealth.

SEC. 7. The manner of administering an oath or affirmation shall be such as is most consistent with the conscience of the deponent, and shall be esteemed by the General Assembly the most solemn appeal to God.

SEC. 8. All laws which, on the first day of June, one thousand seven hundred and ninety-two, were in force in the State of Virginia, and which are of a general nature, and not local to that State, and not repugnant to this Constitution, nor to the laws which have been enacted by the General Assembly of this Commonwealth, shall be in force within this State until they shall be altered or repealed by the General Assembly.

SEC. 9. The compact with the State of Virginia, subject to such alterations as may be made therein agreeably to the mode prescribed by the said compact, shall be considered as part of this Constitution.

SEC. 10. It shall be the duty of the General Assembly to pass such laws as shall be necessary and proper to decide differences by arbitrators, to be appointed by parties who may choose that summary mode of adjustment.

SEC. 11. All civil officers for the Commonwealth at large shall reside within the State, and all district, county, or town officers within their respective districts, counties, or towns (trustees of towns excepted), and shall keep their offices at such places therein as may be required by law; and all militia officers shall in the bounds of the division, brigade, regiment, battalion, or company to which they may severally belong.

SEC. 12. Absence on the business of this State, or the United States, shall not forfeit a residence once obtained, so as to deprive any one of the right of suffrage, or of being elected or appointed to any office under this Commonwealth under the exceptions contained in this Constitution.

SEC. 13. It shall be the duty of the General Assembly to regulate, by law, in what cases, and what deductions from the salaries of public officers shall be made for neglect of duty in their official capacity.

SEC. 14. Returns of all elections by the people shall be made to the Secretary of State for the time being, except in those cases otherwise provided for in this Constitution, or which shall be otherwise directed by law.

SEC. 15. In all elections by the people, and also by the Senate and House of Representatives, jointly or separately, the votes shall be personally and publicly given, viva voce: *Provided*, That dumb persons entitled to suffrage may vote by ballot.

SEC. 16. All elections by the people shall be held between the hours of six o'clock in the morning and seven o'clock in the evening.

SEC. 17. The General Assembly shall, by law, prescribe the time when the several officers authorized or directed by this Constitution to be elected or appointed, shall enter upon the duties of their respective offices, except where the time is fixed by this Constitution.

SEC. 18. No member of Congress, nor person holding or exercising any office of trust or profit under the United States, or either of them, or under any foreign power, shall be eligible as a member of the General Assembly of this Commonwealth, or hold or exercise any office of trust or profit under the same.

SEC. 19. The General Assembly shall direct, by law, how persons who now are, or who may hereafter become, securities for public officers, may be relieved or discharged on account of such securityship.

SEC. 20. Any person who shall, after the adoption of this Constitution, either directly or indirectly, give, accept, or knowingly carry a challenge to any person or persons, to fight in single combat with a citizen of this State, with any deadly weapon, either in or out of the State, shall be deprived of the right to hold any office of honor or profit in this Commonwealth, and shall be punished otherwise in such manner as the General Assembly may prescribe by law.

SEC. 21. The Governor shall have power, after five years from the time of the offense, to pardon all persons who shall have in any wise participated in a duel, either as principals, seconds, or otherwise, and to restore him or them to all the rights, privileges, and immunities to which he or they were entitled before such participation. And upon the presentation of such pardon, the oath prescribed in the first section of this article shall be varied to suit the case.

SEC. 22. At its first session after the adoption of this Constitution, the General Assembly shall appoint not more than three persons learned in the law, whose duty it shall be to revise and arrange the Statute Laws of this Commonwealth, both civil and criminal, so as to have but one law on any one subject; and also three other persons, learned in the law, whose duty it shall be to prepare a Code of Practice for the Courts, both civil and criminal, in this Commonwealth, by abridging and simplifying the rules of practice and laws in relation thereto; all of whom shall, at as early a day as practicable, report the result of their labors to the General Assembly for their adoption or modification.

SEC. 23. So long as the Board of Internal Improvement shall be continued, the President thereof shall be elected by the qualified voters of this Commonwealth, and hold the office for the term of four years, and until another be duly elected and qualified. The election shall be held at the same time and conducted in the same manner as the election of Governor of this Commonwealth under this Constitution; but nothing herein contained

shall prevent the General Assembly from abolishing said Board of Internal Improvement or the office of President thereof.

SEC. 24. The General Assembly shall provide, by law, for the trial of any contested election of Auditor, Register, Treasurer, Attorney General, Judges of Circuit Courts, and all other officers not otherwise herein specified.

SEC. 25. The General Assembly shall provide, by law, for the making of the returns, by the proper officers, of the election of all officers to be elected under this Constitution; and the Governor shall issue commissions to the Auditor, Register, Treasurer, President of the Board of Internal Improvement, Superintendent of Public Instruction, and such other officers as he may be directed by law to commission, as soon as he has ascertained the result of the election of those officers respectively.

SEC. 26. When a vacancy shall happen in the office of Attorney General, Auditor of Public Accounts, Treasurer, Register of the Land Office, President of the Board of Internal Improvement, or Superintendent of Public Instruction, the Governor, in the recess of the Senate, shall have power to fill the vacancy by granting commissions, which shall expire at the end of the next session, and shall fill the vacancy for the balance of the term by and with the advice and consent of the Senate.

ARTICLE IX.

CONCERNING THE SEAT OF GOVERNMENT.

SECTION 1. The Seat of Government shall continue in the city of Frankfort until it shall be removed by law: *Provided, however,* That two-thirds of all the members elected to each House of the General Assembly shall concur in the passage of such law.

ARTICLE X.

CONCERNING SLAVES.

SECTION 1. The General Assembly shall have no power to pass laws for the emancipation of slaves without the consent of

their owners, or without paying their owners, previous to such emancipation, a full equivalent in money for the slaves so emancipated, and providing for their removal from the State. They shall have no power to prevent immigrants to this State from bringing with them such persons as are deemed slaves by the laws of any of the United States, so long as any person of the same age or description shall be continued in slavery by the laws of this State. They shall pass laws to permit owners of slaves to emancipate them, saving the rights of creditors, and to prevent them from remaining in this State after they are emancipated. They shall have full power to prevent slaves from being brought into this State as merchandise. They shall have full power to prevent slaves being brought into this State who have been, since the first day of January, one thousand seven hundred and eighty-nine, or may hereafter be imported into any of the United States from a foreign country. And they shall have full power to pass such laws as may be necessary to oblige the owners of slaves to treat them with humanity, to provide for them necessary clothing and provisions, to abstain from all injuries to them, extending to life or limb; and in case of their neglect or refusal to comply with the directions of such laws, to have such slave or slaves sold, for the benefit of their owner or owners.

SEC. 2. The General Assembly shall pass laws providing that any free negro or mulatto hereafter immigrating to, and any slave hereafter emancipated in and refusing to leave this State, or having left, shall return and settle within this State, shall be deemed guilty of felony, and punished by confinement in the penitentiary thereof.

SEC. 3. In the prosecution of slaves for felony, no inquest by a grand jury shall be necessary, but the proceedings in such prosecutions shall be regulated by law, except that the General Assembly shall have no power to deprive them of an impartial trial by a petit jury.

ARTICLE XI.

CONCERNING EDUCATION.

SECTION 1. The capital of the fund called and known as the "Common School Fund," consisting of one million two hundred and twenty-five thousand seven hundred and sixty-eight dollars and forty-two cents, for which bonds have been executed by the State to the Board of Education, and seventy-three thousand five hundred dollars of stock in the Bank of Kentucky; also, the sum of fifty-one thousand two hundred and twenty-three dollars and twenty-nine cents, balance of interest on the school fund for the year 1848, unexpended, together with any sum which may be hereafter raised in the State by taxation or otherwise for purposes of education, shall be held inviolate, for the purpose of sustaining a system of common schools. The interest and dividends of said funds, together with any sum which may be produced for that purpose by taxation or otherwise, may be appropriated in aid of common schools, but for no other purpose. The General Assembly shall invest said fifty-one thousand two hundred and twenty-three dollars and twenty-nine cents in some safe and profitable manner; and any portion of the interest and dividends of said school fund, or other money or property raised for school purposes, which may not be needed in sustaining common schools, shall be invested in like manner. The General Assembly shall make provision, by law, for the payment of the interest of said school fund: *Provided*, That each county shall be entitled to its proportion of the income of said fund, and if not called for for common school purposes, it shall be re-invested from time to time for the benefit of such county.

SEC. 2. A Superintendent of Public Instruction shall be elected by the qualified voters of this Commonwealth at the same time the Governor is elected, who shall hold his office for four years; and his duties and salary shall be prescribed and fixed by law.

ARTICLE XII.

MODE OF REVISING THE CONSTITUTION.

SECTION. 1. When experience shall point out the necessity of amending the Constitution, and when a majority of all the members elected to each House of the General Assembly shall, within the first twenty days of any regular session, concur in passing a law for taking the sense of the good people of this Commonwealth, as to the necessity and expediency of calling a convention, it shall be the duty of the several Sheriffs, and other officers of elections, at the next annual election which shall be held for Representatives to the General Assembly, after the passage of such law, to open a poll for, and make return to the Secretary of State, for the time being, of the names of all those entitled to vote for Representatives who have voted for calling a Convention; and if, thereupon, it shall appear that a majority of all the citizens of this State, entitled to vote for Representatives, have voted for calling a Convention, the General Assembly shall, at their next regular session, direct that a similar poll shall be opened and return made for the next election for Representatives; and if, thereupon, it shall appear that a majority of all the citizens of this State entitled to vote for Representatives have voted for calling a Convention, the General Assembly shall, at their next session, pass a law calling a Convention, to consist of as many members as there shall be in the House of Representatives and no more, to be chosen on the first Monday in August thereafter, in the same manner and proportion, and at the same places, and possessed of the same qualifications of a qualified elector, by citizens entitled to vote for Representatives, and to meet within three months after their election for the purpose of readopting, amending, or changing the Constitution; but if it shall appear by the vote of either year, as aforesaid, that a majority of all the citizens entitled to vote for Representatives did not vote for calling a Convention, a Convention shall not then be called. And for the purpose of ascertaining whether a majority of the citizens, entitled to vote for Representatives, did or did

not vote for calling a Convention, as above, the General Assembly passing the law authorizing such vote shall provide for ascertaining the number of citizens entitled to vote for Representatives within the State.

SEC. 2. The Convention, when assembled, shall judge of the election of its members and decide contested elections, but the General Assembly shall, in calling a Convention, provide for taking testimony in such cases, and for issuing the writ of election in case of a tie.

ARTICLE XIII.

BILL OF RIGHTS.

That the general, great, and essential principles of liberty and free government may be recognized and established, WE DECLARE—

SECTION 1. That all freemen, when they form a social compact, are equal, and that no man, or set of men, are entitled to exclusive, separate public emoluments or privileges from the community but in consideration of public services.

SEC. 2. That absolute, arbitrary power over the lives, liberty, and property of freemen exists nowhere in a Republic, not even in the largest majority.

SEC. 3. The right of property is before and higher than any constitutional sanction; and the right of the owner of a slave to such slave, and its increase, is the same, and as inviolable as the right of any property whatever.

SEC. 4. That all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, happiness and the protection of property. For the advancement of these ends they have, at all times, an inalienable and indefeasible right to alter, reform, or abolish their government, in such manner as they may think proper.

SEC. 5. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; that no man shall be compelled to attend, erect, or support any place of worship, or to maintain any ministry

against his consent; that no human authority ought, in any case whatever, to control or interfere with the rights of conscience; and that no preference shall ever be given, by law, to any religious societies or modes of worship.

SEC. 6. That the civil rights, privileges, or capacities of any citizen shall in nowise be diminished or enlarged on account of his religion.

SEC. 7. That all elections shall be free and equal.

SEC. 8. That the ancient mode of trial by jury shall be held sacred, and the right thereof remain inviolate, subject to such modifications as may be authorized by this Constitution.

SEC. 9. That printing presses shall be free to every person who undertakes to examine the proceedings of the General Assembly, or any branch of Government; and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely speak, write, and print on any subject, being responsible for the abuse of that liberty.

SEC. 10. In prosecutions for the publication of papers investigating the official conduct of officers, or men in a public capacity, or where the matter published is proper for public information, the truth thereof may be given in evidence; and in all indictments for libels, the jury shall have a right to determine the law and the facts under the direction of the Court, as in other cases.

SEC. 11. That the people shall be secure in their persons, houses, papers, and possessions from unreasonable seizures and searches, and that no warrant to search any place or to seize any person or thing shall issue without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation.

SEC. 12. That in all criminal prosecutions, the accused hath a right to be heard by himself and counsel; to demand the nature and cause of the accusations against him; to meet the witnesses face to face; to have compulsory process for obtaining

witnesses in his favor; and in prosecutions by indictment or information, a speedy public trial by an impartial jury of the vicinage; that he cannot be compelled to give evidence against himself; nor can he be deprived of his life, liberty, or property, unless by the judgment of his peers, or the law of the land.

SEC. 13. That no person shall, for any indictable offense, be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia when in actual service, in time of war or of public danger, or by leave of the Court, for oppression or misdemeanor in office.

SEC. 14. No person shall, for the same offense, be twice put in jeopardy of his life or limb; nor shall any man's property be taken or applied to public use without the consent of his representatives and without just compensation being previously made to him.

SEC. 15. That all Courts shall be open, and every person, for an injury done him in his lands, goods, person, or reputation, shall have remedy by the due course of law, and right and justice administered without sale, denial, or delay.

SEC. 16. That no power of suspending laws shall be exercised, unless by the General Assembly or its authority.

SEC. 17. That excessive bail shall not be required, nor excessive fines imposed, nor cruel punishment inflicted.

SEC. 18. That all prisoners shall be bailable by sufficient securities, unless for capital offenses, when the proof is evident or presumption great; and the privilege of the writ of *habeas corpus* shall not be suspended, unless when, in case of rebellion or invasion, the public safety may require it.

SEC. 19. That the person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up his estate for the benefit of his creditors in such manner as shall be prescribed by law.

SEC. 20. That no *ex post facto* law, nor any law impairing contracts, shall be made.

SEC. 21. That no person shall be attainted of treason or felony by the General Assembly.

SEC. 22. That no attainder shall work corruption of blood, nor, except during the life of the offender, forfeiture of estate to the Commonwealth.

SEC. 23. That the estates of such persons as shall destroy their own lives shall descend or vest as in case of natural death; and if any person shall be killed by casualty, there shall be no forfeiture by reason thereof.

SEC. 24. That the citizens have a right, in a peaceable manner, to assemble together for their common good, and to apply to those invested with the powers of government for redress of grievances, or other proper purposes, by petition, address, or remonstrance.

SEC. 25. That the rights of the citizens to bear arms in defense of themselves and of the State shall not be questioned; but the General Assembly may pass laws to prevent persons from carrying concealed arms.

SEC. 26. That no standing army shall, in time of peace, be kept up, without the consent of the General Assembly; and the military shall, in all cases and at all times, be in strict subordination to the military power.

SEC. 27. That no soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

SEC. 28. That the General Assembly shall not grant any title of nobility or hereditary distinction, nor create any office, the appointment of which shall be for a longer time than for a term of years.

SEC. 29. That emigration from the State shall not be prohibited.

SEC. 30. To guard against transgressions of the high powers which we have delegated, WE DECLARE, that everything in this article is excepted out of the general powers of government, and shall forever remain inviolate; and that all laws contrary thereto, or contrary to this Constitution, shall be void.

SCHEDULE.

That no inconvenience may arise from the alterations and amendments made in the Constitution of this Commonwealth, and in order to carry the same into complete operation, it is hereby declared and ordained:

SECTION 1. That all the laws of this Commonwealth in force at the adoption of this Constitution, and not inconsistent therewith, and all rights, actions, prosecutions, claims, and contracts, as well of individuals as of bodies corporate, shall continue as if this Constitution had not been adopted.

SEC. 2. The oaths of office herein directed to be taken may be administered by any Judge or Justice of the Peace, until the General Assembly shall otherwise direct.

SEC. 3. No office shall be superceded by the adoption of this Constitution, but the laws of the State relative to the duties of the several officers, legislative, executive, judicial, and military, shall remain in full force, though the same be contrary to this Constitution, and the several duties shall be performed by the respective officers of the State according to existing laws, until the organization of the government, as provided under this Constitution, and the entering into office of the officers to be elected or appointed under said government, and no longer.

SEC. 4. It shall be the duty of the General Assembly, which shall convene in the year 1850, to make an apportionment of the representation of this State, upon the principle set forth in this Constitution; and with the first apportionment shall be made as herein directed, the apportionment of Senators and Representatives among the several districts and counties in this State shall remain as at present fixed by law: *Provided*, That on the first Monday in August, 1850, all Senators shall go out of office, and on that day an election for Senators and Representatives shall be held throughout the State, and those then elected shall hold their offices for one year, and no longer: *Provided, further*,

That at the elections to be held in the year 1850, that provision in this Constitution, which requires voters to vote in the precinct within which they reside, shall not apply.

SEC. 5. All recognizances heretofore taken, or which may be taken before the organization of the judicial department under this Constitution, shall remain as valid as though this Constitution had been adopted, and may be prosecuted in the name of the Commonwealth. All criminal prosecutions and penal actions which have arisen, or may arise before the reorganization of the judicial department under this Constitution, may be prosecuted to judgment and execution in the name of the Commonwealth.

"We, the representatives of the freemen of Kentucky, in convention assembled, in their name, and by the authority of the Commonwealth of Kentucky, and in virtue of the powers vested in us, as delegates from the counties respectively affixed to our names, do ordain and proclaim the foregoing to be the Constitution of the Commonwealth of Kentucky from and after this day.

"Done at Frankfort this eleventh day of June, in the year of our Lord one thousand eight hundred and fifty, and in the forty-ninth year of the Commonwealth."

JAMES GUTHRIE,

President of the Convention and Member from the City of Louisville.

Attest:

THO. J. HELM, *Secretary of the Convention.*

THO. D. TILFORD, *Assistant Secretary, &c.*

CONSTITUTION

OF THE

UNITED STATES OF AMERICA.

We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America :

ARTICLE I.

SECTION 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SEC. 2. The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Con-

gress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the representation from any State, the Executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment.

SEC. 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years; and each Senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

The Senate shall choose their other officers, and also a President *pro tempore*, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

The Senate shall have the sole power to try all impeachments. When sitting for that purpose they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

SEC. 4. The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may, at any time, by law, make or alter such regulations, except as the places of choosing Senators.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SEC. 5. Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each house may provide.

Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SEC. 6. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law and paid out

of the treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time, and no person holding any office under the United States shall be a member of either house during his continuation in office.

SEC. 7. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a law, be presented to the President of the United States: If he approve, he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return, in which case it shall not be a law.

Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect. shall

be approved by him; or, being disapproved by him, shall be re-passed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SEC. 8. The Congress shall have power—

To lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

To coin money, regulate the value thereof and of foreign coin, and fix the standard of weights and measures;

To provide for the punishment of counterfeiting the securities and current coin of the United States;

To establish post-offices and post-roads;

To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

To constitute tribunals inferior to the Supreme Court;

To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations;

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces;

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively

the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings; and

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

SEC. 9. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of *habeas corpus* shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

No bill of attainder or *ex post facto* law shall be passed.

No capitation, or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

No tax or duty shall be laid on articles exported from any State.

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State, be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall,

without the consent of Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign State.

SEC. 10. No State shall enter into any treaty, alliance, or confederation; grant letters of marque or reprisal; coin money, emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

SECTION 1. The Executive Power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected as follows:

Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors equal to the number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

[The electors shall meet in their respective States, and vote by ballot for two persons—of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each;

which list they shall sign and certify, and transmit, sealed, to the seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall, in like manner, choose the President. But, in choosing the President, the votes shall be taken by States, the representation from each State having one vote. A quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice-President.*]

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

No person, except a natural born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained the age of thirty-five years, and been fourteen years a resident within the United States.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President; and the Congress may, by law, provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall act as President; and such

* This clause has been repealed and annulled by the 12th amendment.

officer shall act accordingly until the disability be removed, or a President shall be elected.

The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected; and he shall not receive within that period any other emolument from the United States, or any of them.

Before he enter on the execution of his office, he shall take the following oath or affirmation :

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

SEC. 2. The President shall be Commander-in-Chief of the Army and Navy of the United States, and of the militia of the several States when called into the actual service of the United States; he may require the opinion, in writing of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

He shall have the power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senate present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint Embassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law, but the Congress may, by law, vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions, which shall expire at the end of their next session.

SEC. 3. He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either

of them; and, in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive Embassadors and other public Ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

SEC. 4. The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery or other high crimes and misdemeanors.

ARTICLE III.

SECTION 1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior Courts as the Congress may, from time to time, ordain and establish. The Judges, both of the Supreme and inferior Courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

SEC. 2. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting Embassadors, other public Ministers, and Consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States; and between a State, or the citizens thereof, and foreign States, citizens, or subjects.

In all cases affecting Embassadors, other public Ministers and Consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed

within any State, the trial shall be at such place or places as the Congress may by law have directed.

SEC. 3. Treason against the United States shall consist only in levying war against them, or adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV.

SECTION 1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

SEC. 2, The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

SEC. 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States or parts of States without the consent of the Legislatures of the States concerned, as well as of the Congress.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property

belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or any particular State.

SEC. 4. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the Legislature, or of the Executive (when the Legislature can not be convened). against domestic violence.

ARTICLE V.

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to the Constitution, or, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: *Provided*, That no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first Article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.

All debts contracted and engagements entered into before the adoption of this Constitution, shall be as valid against the United States, under this Constitution. as under the Confederation.

This Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the Judges in every State, shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States,

shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

The ratifications of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

DONE in convention by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America the twelfth.

In witness whereof, we have hereunto subscribed our names.

GEO. WASHINGTON,

President, and Deputy from Virginia.

New Hampshire.

JOHN LANGDON,

NICHOLAS GILMAN.

Massachusetts.

NATHANIEL GORMAN, RUFUS KING.

Connecticut.

WM. SAML. JOHNSON, ROGER SHERMAN.

New York.

ALEXANDER HAMILTON.

New Jersey.

WIL. LIVINGSTON,

DAVID BREARLEY,

WM. PATERSON,

JONA. DAYTON.

Pennsylvania.

B. FRANKLIN,

THOMAS MIFFLIN,

ROBT. MORRIS,

GEO. CLYMER,

THO. FITZSIMONS,

JARED INGERSOLL,

JAMES WILSON,

GOUV. MORRIS.

Delaware.

GEO. READ,

GUNNING BEDFORD, Jun'r,

JOHN DICKINSON,

RICHARD BASSETT.

JACO. BROOM,

Maryland.

JAMES M'HENRY, DAN. OF ST. THOS. JENIFER.
DANL. CARROLI,

Virginia.

JOHN BLAIR, JAMES MADISON, Jr.

North Carolina.

WM. BLOUNT, RICH'D DOBBS SPAIGHT.
HU. WILLIAMSON,

South Carolina.

J. RUTLEDGE, CHARLES COTESWORTH PINCKNEY,
CHARLES PINCKNEY, PIERCE BUTLER.

Georgia.

WILLIAM FEW, ABR. BALDWIN.

Attest: WILLIAM JACKSON, *Secretary.*

ARTICLES,

IN ADDITION TO, AND AMENDMENT OF, THE

Constitution of the United States of America,

PROPOSED BY CONGRESS, AND RATIFIED BY THE LEGISLATURES OF THE
SEVERAL STATES, PURSUANT TO THE FIFTH ARTICLE
OF THE ORIGINAL CONSTITUTION.

ARTICLE I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

ARTICLE II.

A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III.

No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

ARTICLE VII.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.

The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

ARTICLE XI.

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

ARTICLE XII.

The Electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballot the person voted for as President, and in distinct ballot the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately by ballot the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one; a quorum for this shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-

President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed; and if no person have a majority, then, from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President, shall be eligible to that of Vice-President of the United States.

ARTICLE XIII.

“SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SEC. 2. Congress shall have power to enforce this Article by appropriate legislation, approved February 1, 1863.”

ARTICLE XIV.

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

SEC. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of Electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of

age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SEC. 3. No person shall be a Senator or Representative in Congress, or Elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each house, remove such disability.

SEC. 4. The validity of the public debt of the United States, authorized by law, including debts incurred for the payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts shall be held illegal and void.

SEC. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

The amendment passed the Senate by a vote of 33 yeas to 11 nays, and the House by a vote of 123 yeas to 36 nays.

ARTICLE XV.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

The Constitution was adopted on the 17th of September, 1787, by the convention appointed in pursuance of the resolution of the Congress of the Confederation, of the 21st February, 1787, and ratified by the conventions of the several States, as follows:

By Convention of Delaware	7th December, 1787
" " Pennsylvania.....	12th December, 1787
" " New Jersey ..	18th December, 1787
" " Georgia	2d January, 1788
" " Connecticut.....	9th January, 1788
" " Massachusetts.....	6th February, 1788
" " Maryland.....	28th April, 1788
" " South Carolina.....	28th May, 1788
" " New Hampshire	21st June, 1788
" " Virginia.....	26th June, 1788
" " New York	26th July, 1788
" " North Carolina	21st November, 1789
" " Rhode Island	29th May, 1790

The first ten of the amendments were proposed on the 25th September, 1789, and ratified by the constitutional number of States on the 15th December, 1791; the eleventh, on the 8th January, 1798; the twelfth, on the 25th September, 1804; the thirteenth, on the 1st February, 1863; the fourteenth, on the 21st July, 1868; and the fifteenth, on the 30th March 1870.

Bail or Fine, Excessive.....	20
Bankruptcy.....	261
Bills, How Passed.....	61
Bill of Attainder.....	277
Bill of Rights.....	9
Board of Education, State, Members.....	113
President.....	114
Time of Meeting.....	115
Powers and Duties.....	116
Board of Equalization, State, Election.....	117
Oath.....	118
Duties.....	119
Duties of Secretary in Vacation.....	120
Compensation.....	121
Board of Examiners, County.....	173
Board of Health, State.....	126
Board of Pharmacy, State.....	124
Board to Examine Poll-Books.....	40
Board to Examine Returns.....	43
Circuit Court, Judges.....	180
Who Eligible as Circuit Judge.....	181
Terms.....	182
Jurisdiction.....	183
Record.....	184
Circuit Court, U. S.....	311
Citizens, Privileges of.....	319
City Council, Wards.....	228
Meetings.....	229
Ordinances of.....	230
Other Powers.....	231
City, Distribution of Power.....	227
City Officers, Mayor.....	232, 239
Clerk.....	233
Treasurer.....	234
Marshal.....	235

City Officers—*Continued.*

Street Commissioner.....	236
Engineer	237
School Trustees.....	238
Attorney	240
Clerk of the Circuit Court, Election.....	174
Powers and Duties.....	175
Compensation	176
Clerk of the County Court, Election.....	177
Powers and Duties	178
Compensation.....	179
Commerce.....	260
Commissioner of Agriculture, Horticulture and Statistics.....	127
Commissioners of Deeds.....	128
Commissioners of Sinking Fund.....	122
Commonwealth's Attorney, Election	193
Duties.....	194
Compensation	195
Comparing Poll-Books.....	41
Congress, Meetings.....	252
Adjournment.....	253
Control of Members.....	254
Compensation	255
Prohibitions on Members.....	256
Making Laws.....	257
Powers.....	206-223
Constable, Election.....	214
Powers and Duties.....	215
Compensation.....	216
Constitution of U. S., Formation.....	4
Adoption	5
Nature.....	6
Oath of Office to Support.....	325
Supreme Law.....	324
Constitutions, State.....	7

Copyrights	265
Coroner, Election.....	155
Duties.....	156
Acting as Sheriff.....	157
Compensation	158
Counterfeiting	263
Counties	150
County Attorney, Election.....	196
Duties.....	197
Compensation.....	198
County Court, Judge.....	185
Who Eligible as County Judge.....	186
Terms	187
Jurisdiction	188
Record	189
County Superintendent, Election.....	168
Qualifications	169
Who Not Eligible.....	170
Powers and Duties.....	171
Compensation	172
Court of Appeals, Judges.....	133
Terms.....	134
Jurisdiction.....	135
Clerk of, Election.....	136
Duties	137
Sergeant of, Appointment.....	138
Duties.....	139
Reporter of, Appointment.....	140
Duties	141
Court of Claims, County.....	192
Court of Claims, U. S.....	317
Courts, Inferior.....	266
Courts Open.....	19
Courts, U. S., Jurisdiction.....	262
Debt, Imprisonment for.....	23

Departments of Government, Three.....	8
Desire for Stronger Government.....	3
Distribution of Power in the District.....	210
District Courts, U. S.....	312
District, Legislative Officers.....	211
Districts	209
Early History of the State.....	8 N
Elections.....	14
Time of Holding.....	31
Officers of.....	35
Notice to.....	36
Duties of.....	39
Electoral College.....	289
Emigration Not to be Prohibited.....	30
Equality of Men.....	9
Establishment of a Town.....	222
Executive Power, How Vested.....	65
Ex Post Facto Law.....	24, 277
Felonies on High Seas.....	267
Freedom of Press and Speech.....	16
Fugitives from Justice.....	320
General Assembly, Sessions.....	50
Members, Compensation of.....	51
Privileges of.....	52
Ineligibility to Membership.....	53
Ineligibility of Members to Other Offices.....	54
Quorum	55
Election of Members.....	56
Rules and Punishments.....	57
Officers, Election of.....	58
Journal.....	59
Adjournment.....	60
Governor, Election.....	66
Term.....	67
Qualifications.....	68

Governor—*Continued.*

Commencement and Termination of Service.....	69
Persons Ineligible.....	70
Compensation	71
Powers	72
Military Powers.....	73
Vancancies	74
Messages'.....	75
May Convene or Adjourn General Assembly.....	76
Duty, Generally.....	77
Officers Appointed by, State Inspector and Examiner...123	
State Board of Pharmacy.....	124
Railroad Commissioners.....	125
State Board of Health	126
Commissioner of Agriculture, Horticulture, Statistics	127
Commissioners of Deeds.....	128
Notaries Public	129
Habeas Corpus, Writ of.....	22, 276
Impeachment, State Officers.....	62
Impeachment, U. S. Officers.....	251
Imprisonment for Debt.....	23
Indictment	206
Interior, Secretary of.....	290, 307
Jailer, Election.....	162
Duties.....	163
Compensation	164
Judges of U. S.....	318
Judicial Department, State, How Vested.....	130
Judicial Power of U. S., How Vested.....	309
Jurisdiction.....	131
Jurors, Grand, Drawing of.....	201
Qualifications.....	203
Duties.....	205
Jurors, Petit, Drawing of.....	200
Qualifications.....	202
Duties.....	204

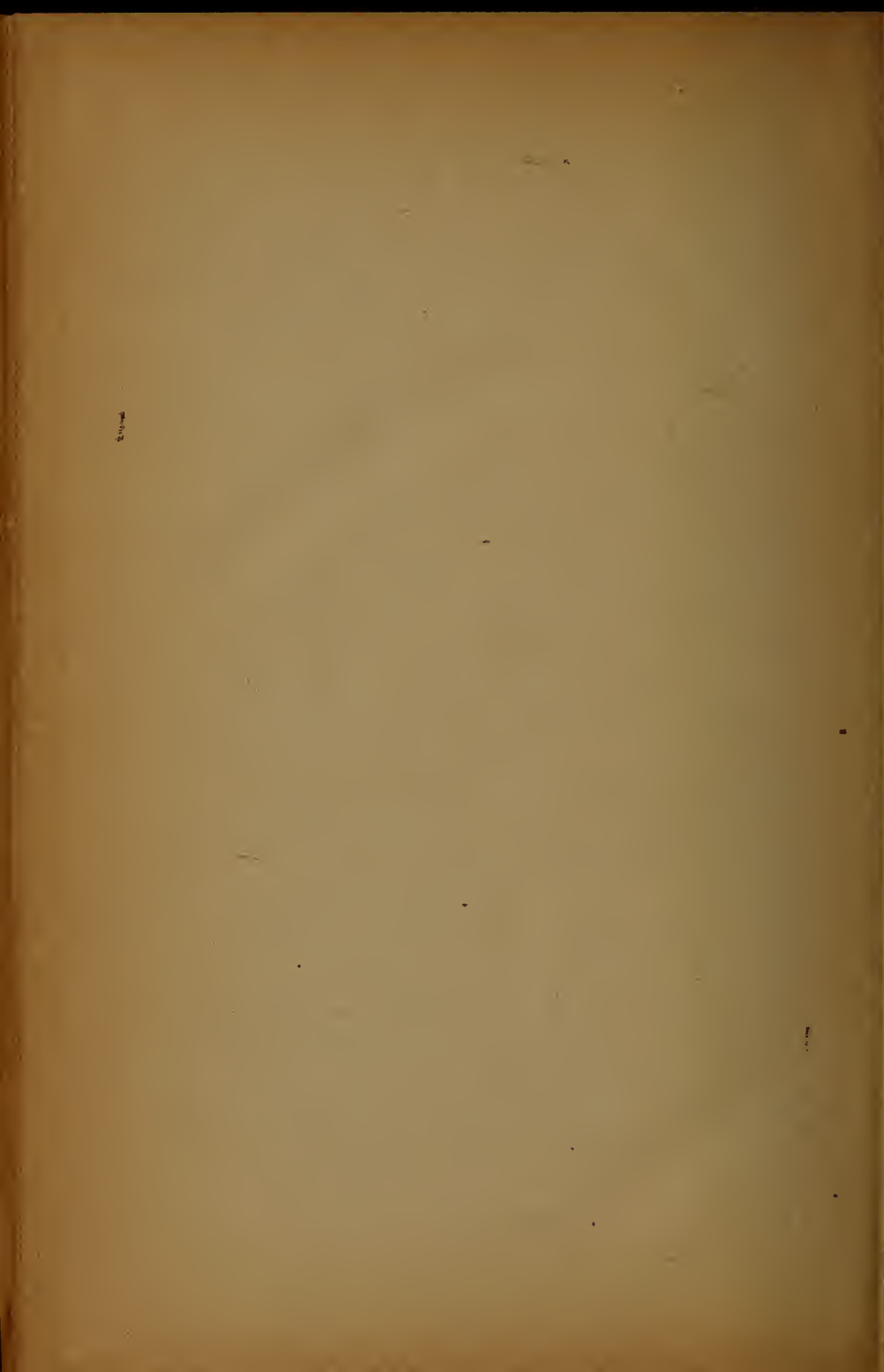
Jury Commissioners.....	199
Justices of the Peace, Election.....	217
Jurisdiction.....	218
Powers and Duties.....	219
Compensation.....	220
Laws, Carrying into Effect	275
Legislative Power, National, How Vested	241
Legislative Powers of the County.....	151
Legislative Power, State, How Vested.....	44
Lieutenant-Governor, Election.....	78
Duties	79
When to Act as Governor.....	80
Compensation	81
Mayor of City.....	232, 239
Military Power.....	27
Militia, Calling Forth.....	272
Organizing.....	273
Money.....	259, 262
National Executive Power, How Vested	282
Naturalization.....	261
Navy.....	270
Navy, Secretary of.....	290, 304
Necessity for Other Forms of Government.....	221
Notaries Public.....	129
Office, Disqualification for Holding.	33
Ordinances, City.....	230
Patents.....	265
Petitioning.....	26
Polls.....	37
Postmaster-General.....	290, 305
Post-offices.....	264
Precincts.....	34
President of U. S., Election.....	283-285
Term.....	282
Election by House of Representatives.....	286

 President of U. S.—*Continued.*

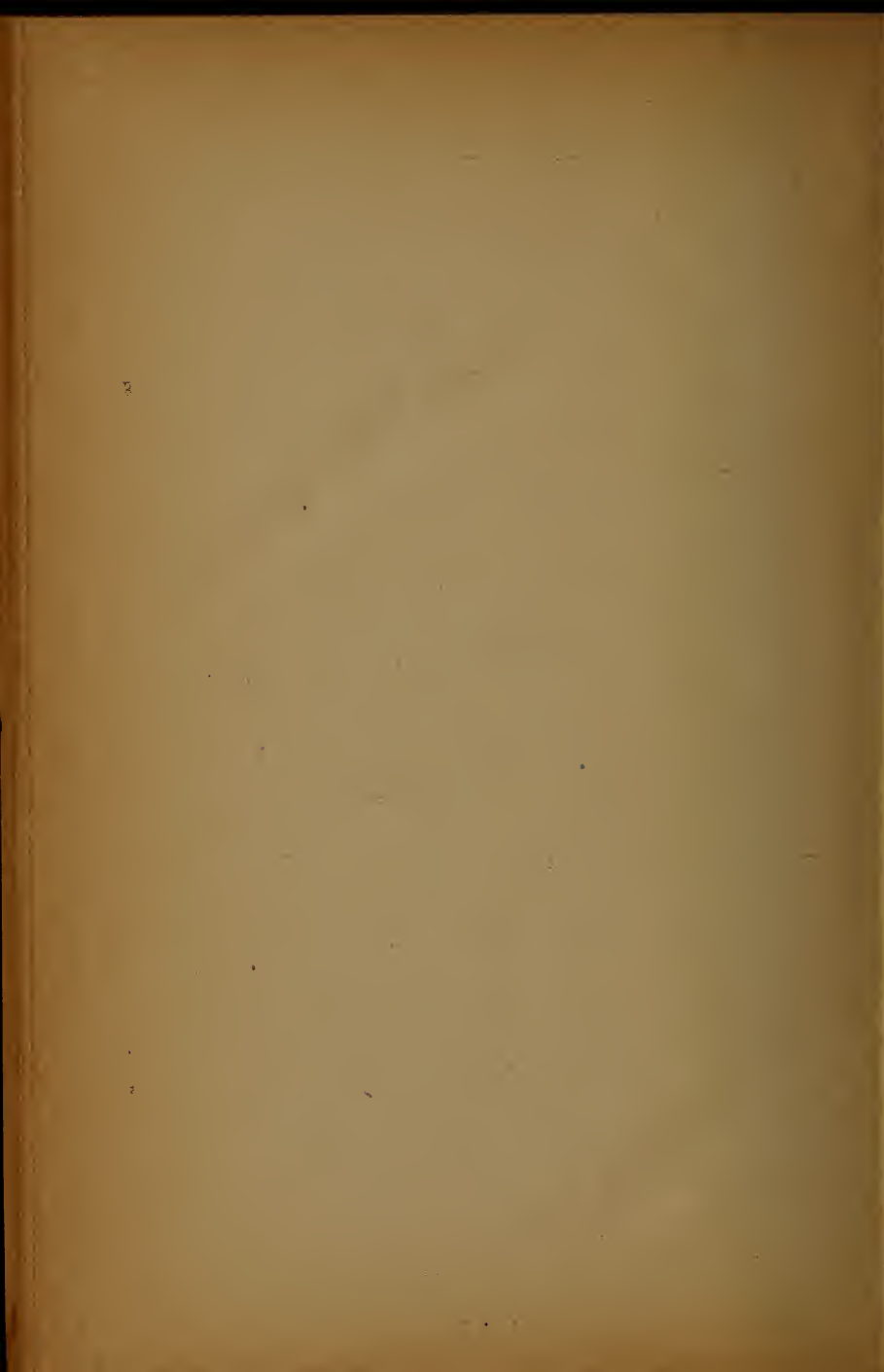
Vacancy in Office.....	290
Oath of Office.....	291
Salary.....	292
Qualifications.....	293
Commander-in-Chief.....	294
Reprieves and Pardons.....	295
Appointments.....	296
Treaties.....	297
Messages.....	298
Convenes or Adjourns Congress.....	299
Executes Laws.....	300
Prisoners Bailable.....	21
Prohibitions Upon the States.....	281
Quarterly Court, Terms.....	190
Jurisdiction.....	119
Railroad Commissioners.....	125
Register of the Land Office, Election.....	101
Bond.....	102
Duties.....	103
Reports.....	104
Compensation.....	105
Religious Liberty.....	13
Representatives, National, Number, Apportionment.....	242
How Chosen, Term.....	243
Qualifications.....	244
Officers.....	245
Delegates.....	246
Special Powers.....	247
Representatives, State, Number and Term.....	45
Qualifications.....	46
Apportionment.....	47
Republican Form of Government.....	323
Right of Property.....	11
Right of Trial.....	18

School Trustees of the District, Election.....	212
Power and Duties.....	213
Seat of Government.....	274
Secretary of State, Appointment.....	82
Duties.....	83
Assistant.....	84
Residence and Seal.....	85
Examination and Preservation of Papers.....	86
Custody of Books.....	87
Compensation.....	88
Seizure and Search.....	17
Senators, State, Qualifications.....	48
Apportionment.....	49
Senators, U. S., Apportionment, Election.....	63, 248
Qualifications	249
Officers	250
Sessions of the General Assembly.....	50
Sheriff, Election.....	152
Powers and Duties	153
Compensation	154
Source of Power.....	12
Standing Army.....	28
States, Admission of.....	321
State, Secretary of.....	290, 301
Superintendent of Public Instruction, Election.....	106
Oath.....	107
Duties	108
Reports	109
School Law, Publication	110
Decisions	111
Compensation	112
Superior Court, Judges.....	145
Terms.....	146
Jurisdiction.....	147
Other Officers.....	148
Appeals	149

Supreme Court of U. S.....	310
Jurisdiction	315
Surveyor, Election.....	165
Powers and Duties	166
Compensation.....	167
Taxes.....	258, 278
Territory of U. S.....	322
Title of Nobility.....	29, 280
Town Trustees, Election.....	223
Who Eligible.....	224
Powers and Duties	225
Appointment of Other Officers.....	226
Treason	316
Treasurer of State, Election.....	89
Oaths and Bond.....	90
Qualifications	91
Duties.....	92
Compensation.....	93
Treasury, Secretary of.....	290, 302
Trial by Jury.....	15
Trial, Criminal.....	207
Civil.....	208
Trouble Among the States	2
Two or More Counties Voting Together.....	42
Veto	257
Vice-President of U. S., Election.....	283-285
Presides Over Senate.....	250
Election by Senate.....	287
Succeeds to Presidency.....	290
Qualifications, Salary.....	308
Voters, Qualifications for.....	32
Voting, Manner of	38
War.....	268
War, Secretary of.....	290, 303

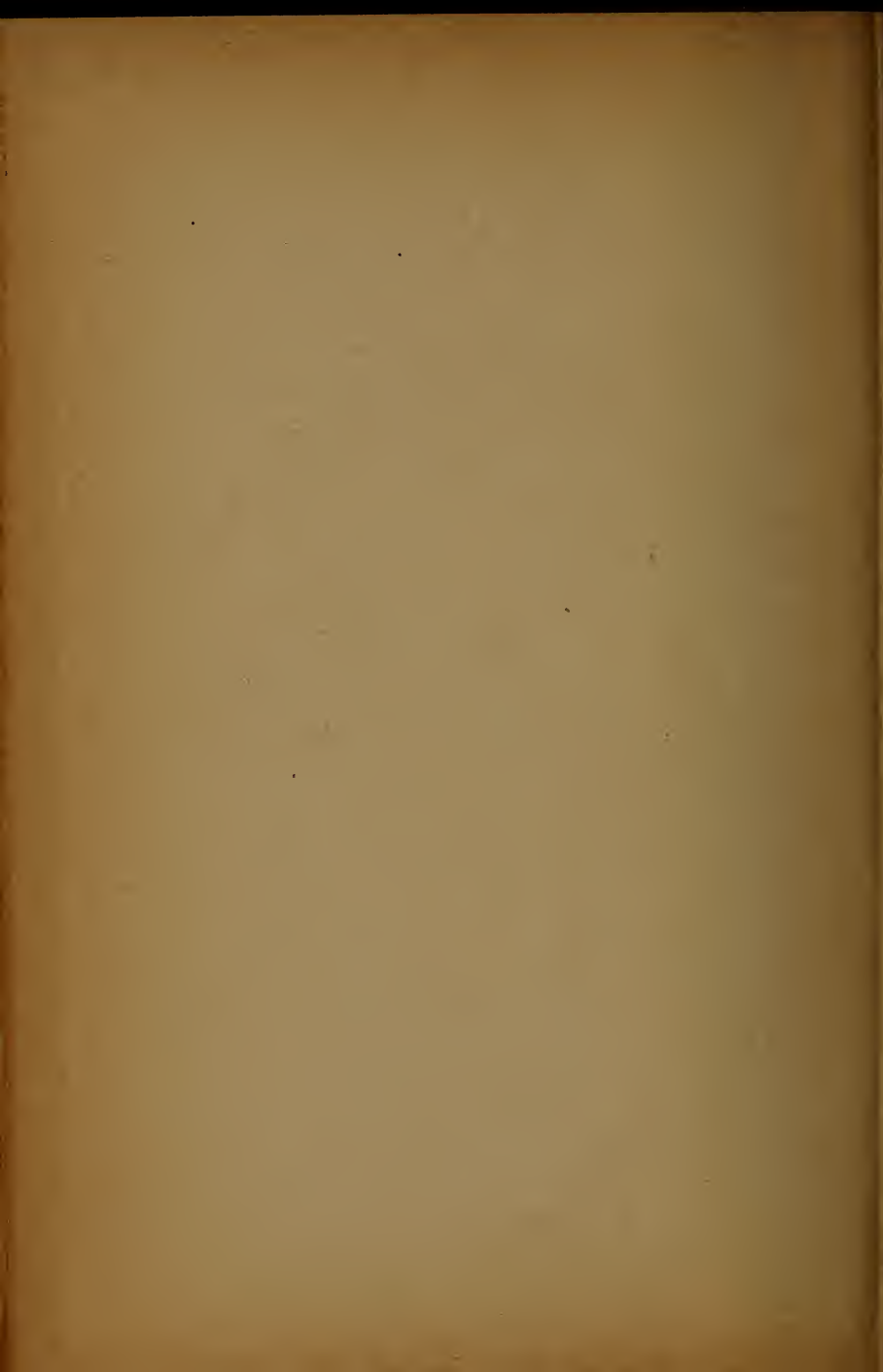












LIBRARY OF CONGRESS



0 021 051 296 2